



STATE OF WASHINGTON

LOCAL RECORDS COMMITTEE

Office of the State Auditor • Office of the Attorney General • Office of the State Archivist

PO Box 40238 • Olympia, Washington 98504-0238 • (360) 586-4900

January 31, 2013 – 10:00 a.m.

Archives Conference Room

1129 Washington St SE, Olympia, WA, 98504

AGENDA

I. ROUTINE ITEMS

- A. Call to Order
- B. Introduction of Guests
- C. Approval of Minutes for November 29, 2012
- D. Adoption of Today's Agenda

II. NEW BUSINESS/ACTION ITEMS

- A. *Law Enforcement Records Retention Schedule Version 6.1* – Megan Shoemaker

III. WASHINGTON STATE ARCHIVES UPDATES

- A. Revision of Records Retention Schedules – Julie Blecha
- B. Announcements from the State Archivist – Steve Excell

IV. NEXT MEETING – April 25, 2013

V. ADJOURNMENT

I. ROUTINE ITEMS

A. Approval of Minutes for November 29, 2012



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PO Box 40238 • Olympia, Washington 98504-0238 • (360) 586-4900*

November 29, 2012 – 10:00 a.m.
State Archives Conference Room
1129 Washington St SE, Olympia, WA 98504

MEETING MINUTES

Members Present: Cindy Evans (Chair) – State Auditor's Office, Sharon Payant – Attorney General's Office, Jerry Handfield – State Archivist

Staff Present: Russell Wood – State Records Manager, Julie Blecha – Local Government Records Management Specialist, Leslie Koziara – Records Management Consultant, Debbie Bahn – Digital Archives and Collections Manager (video conference)

Guests Present: Aaren Purcell – Seattle School District, Patty Holmquist – Tacoma Public Utilities, Tami Micheau – City of Olympia, Terri Stolz – City of Olympia, Nicole Camus – City of Olympia, Tri Howard – Port of Tacoma, Danelle Court – City of Bellevue (video conference)

I. ROUTINE ITEMS

A. Call to Order

Cindy Evans called the meeting to order at 10:07 a.m.

B. Introduction of Guests

C. Approval of Minutes for July 26, 2012

Motion to adopt the minutes as amended; Evans, second by Handfield.

Resolution: Motion carried

D. Adoption of November 29, 2012 Agenda

Motion to adopt the agenda as amended with correction (item III.A. changed from 2012 to 2013) and addition of announcement prior to new business; Payant, second by Evans.

Resolution: Motion carried

ANNOUNCEMENT

Handfield announced the retirement of Barb Werelius, long-standing local records manager for Tacoma Public Utilities (TPU). Barb has been advising TPU and the City of Tacoma for 30 years and her long service is appreciated.

II. NEW BUSINESS

A. Local Government Common Records Retention Schedule (CORE) Version 3.0 – Julie Blecha

This revision project began back in March 2010 to revise the Asset Management section and turned out to be a very complex and challenging effort. After distributing the draft to over 2,000 local agencies and working with reference groups and stakeholders, the final version reflects great feedback and hard work.

Patty Holmquist from Tacoma Public Utilities raised some concerns on behalf of Tacoma Rail on the new maintenance series, and after discussion agreed to do additional research and possible revision suggestions for the next meeting.

Concerns about the length of retention for security videos were also raised, and after discussion, the committee agreed to move forward and approve the 3.0 version of CORE.

Evans raised an issue of initiatives and recall measures being designated as non-archival, and discussed the potential historic value of even those that failed to pass. Blecha explained that a number of other types of records are generated surrounding any initiatives and referendums that are considered archival, appraisal required. The suggestion was made to combine this series with the certification of election series in order to acquire the archival records. The decision was to keep the series and change the cut-off and designate as Archival.

Payant questioned the bridge inspection records as to whether bridges are ever sold and operated privately. There have been instances where bridges do change ownership due to jurisdictional changes or are converted to private use.

The Local Records Committee thanked all of those who served on committees and work groups:

Aaron Purcell and Eleanor Toews (retired), Seattle School District; Alisha Benavides, Sound Transit; Angela Boone, King County; Audrey Houston, Pierce County; Beverly Peterson, Grant County PUD; Brigid Clift, Washington State Archives; David Shaw and Ray Hahne, PUD #1 of Chelan County; Diane Brooks, Benton County PUD; Fernando Leiva, King County Engineering/Planning; Frank Pinney, City of Bellevue; Giselle Kamieniecki, Pierce County; Jennifer Winkler, City of Seattle; Judy Johnson, Grant County PUD; Kyle Stannert, City of Bellevue; Laura Edgar and Mark Gloss, King County; Maureen Duncan, Thurston County; Patty Holmquist, Tacoma Public Utilities; Phillip Parks, State Auditor's Office; Tara Ramos, Grays Harbor PUD; and Tori Bean, Klickitat County Auditor.

Thanks also to Jeff Munson, County Roads Administration Board; Fran Eide, City of Olympia (City Engineer); John Carpita, Municipal Research and Services Center (MRSC) Public Works; and Ashley Probart, Association of Washington Cities (AWC), and "Team Archives": Brigid Clift and Scott Sackett at the Central Branch Archives; Megan Shoemaker at the Northwest Branch Archives; Mike Saunders at the Puget Sound Branch Archives; Russell Wood, Leslie Koziara, and Jerry Handfield.

Motion to adopt CORE 3.0 as amended; Payant, second by Handfield.

Resolution: Motion carried

A. *School Districts and Educational Service Districts Records Retention Schedule Version 8.0 – Julie Blecha*

There were a number of changes due to the updated CORE schedule, as well as the Student Health section. A lot of hard work was done by the Washington Association of School Business Officials (WASBO) Committee, especially during the all-day session that was held in Vancouver. The Local Records Committee received a letter from the WASBO Records Management Committee supporting version 8.0. Special thanks to the committee: Ena Schlossmacher, Vancouver School District; Sue Warnke, Evergreen School District; Aaron Purcell, Seattle School District; Darlene Fuller, Olympia School District; Jennifer Helbig, North Thurston School District; Joanne Marifjeren, Puget Sound ESD (retired); and Rick Bonner, State Auditor's Office.

Motion to adopt Version 8.0 as presented; Evans, second by Handfield

Resolution: Motion carried

B. *Utility Services Records Retention Schedule Version 1.2 – Julie Blecha*

The retention schedule title was changed to clarify that it covers all utility service providers – not just utility districts. The revision consisted mainly of discontinuing Utilities Accounting series that were sufficiently covered by CORE. In addition, Diane Brooks (Benton Co PUD) provided information about electronic meters that do readings every few minutes, generating massive amounts of data. After

consulting with the Office of the State Auditor, it was determined that unless agencies use the meter readings for variable-rate billing purposes, it is not necessary to retain the data for audit purposes. UT55-05B-18, *Utility Meter Reading/Usage Documentation* was enhanced to specify that it covers only meter readings used for billing purposes. A companion series was added UT20123-050, *Utility Meter Readings – For Energy Planning and/or Conservation Education*.

Motion to adopt Version 1.2 as presented; Payant, second by Handfield

Resolution: Motion carried

C. Demolition of *Local Government General Records Retention Schedule (LGGRS) Version 5.2* – Julie Blecha

The demolition of the former *Local Government General Records Retention Schedule* resulted in the creation of 17 new sector schedules. Most record series were transferred to the new schedules, with the exception of the Public Works series, which were incorporated into *CORE – Asset Management*. (A Demolition Guide has been prepared to provide detailed guidance.) There were some minor revisions to language; formatting was standardized; schedules were indexed; and, DAN number *prefixes* were assigned *specific to each sector schedule*. (For example, *Land Use Planning and Permitting* series have a prefix of “LU”.) Only CORE series will have a “GS” prefix from this point forward. Some new series were created, as noted in the demolition guide, specifically Zoo Management record series added to the *Parks and Recreation* schedule.

1. *Air Pollution Control Authorities Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Evans, second by Payant

Resolution: Motion carried

2. *Animal Services Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

3. *Cemeteries Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

4. *Conservation Districts Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Payant, second by Evans

Resolution: Motion carried

5. *Coroners and Medical Examiners Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Evans

Resolution: Motion carried

6. *Economic Development and Transport Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Evans, second by Handfield

Resolution: Motion carried

7. *Emergency Communications Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

8. *Fire and Emergency Medical Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Payant, second by Evans

Resolution: Motion carried

9. *Housing Authorities Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

10. *Juvenile Courts and Services Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Evans, second by Handfield

Resolution: Motion carried

11. *Land Use Planning and Permitting Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

12. *Licensing, Permitting and Taxation Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

13. *Parks, Recreation and Culture Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

14. *Prosecuting Attorneys and Assigned Counsel Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Handfield, second by Payant

Resolution: Motion carried

15. *Social Services Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Evans, second by Payant

Resolution: Motion carried

16. *Transit Authorities Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Payant, second by Handfield

Resolution: Motion carried

17. *Weed and Pest Control Districts Records Retention Schedule (Version 1.0)*

Motion to adopt Version 1.0 as presented; Payant, second by Handfield

Resolution: Motion carried

III. OTHER BUSINESS

A. 2013 Meeting Schedule – Julie Blecha

Traditionally LRC meetings have been scheduled quarterly and held on the last Thursday of the month. The meeting schedule for 2013 was discussed and determined to be: January 31, April 25, July 25 and October 31, 2013, subject to change. Special meetings as required.

The local government listserv now has 2,343 subscribers.

IV. WASHINGTON STATE ARCHIVES UPDATES

A. Announcements from the State Archivist – Jerry Handfield

There have been two new books published using the Archives as a resource. The first one is Governor of the State of Washington by George Scott, and Sam Reed, Secretary of State-A Dozen Years of Service and Civility, a summary of his term for the last 12 years.

We have a new Secretary of State starting January 16, Kim Wyman. Kim follows Sam as the current Thurston County Auditor. Transition is taking place, and so far there are no substantial changes.

The National Historic Publications and Records Commission (NHPRC) budget for this year is 3 million dollars, the exact same amount of money as in 1978. NHPRC gives grants to local and state governments.

The State Archivist visited the Mayor of Pacific along with an investigator from the King County Sheriff's Department. The City of Pacific has been a grant recipient in the past. The investigation is recommending certain charges be brought against the mayor relating to the destruction of public records.

The case against the former Skamania County Auditor has been reduced to a misdemeanor with charges dismissed and restitution required.

The Archives participated in an E-Records Forum put on by National Association of Government Archives & Records Administrators (NAGARA) in Seattle. The plan originally anticipated 50 attendees, there were nearly 240 that attended this event. Speakers included local participants including Jenny Winkler from the City of Seattle, Kyle Stannert from the City of Bellevue, the National Archives, Oregon State Archivist Mary Beth Herkert, and June Timmons from the Digital Archives.

The State Records Committee received numerous emails regarding the proposed changes to what is referred to as the "75 Year Rule", which limited confidentiality for 75 years with the concurrence of the agency. Since May 2012 this issue has been under discussion by the Sunshine Committee. The Department of Health is considering a proposal to close access to birth records for 125 years, death records (now open) closed for 50 years, marriage records (now open) closed for 50 years, and divorce records (now open) for 50 years. The new Department of Health's draft records retention schedule has also proposed the retention as "Permanent" – to be retained at the agency.

Archives Month was held in October with a very successful theme of "Law and Order in the Archives". Nearly a 1,000 posters have been distributed.

The Digital Archives now has 19 county auditors transferring recordings for preservation, soon to be 20, which is over half of the auditors in the state.

NEXT MEETING – January 31, 2013.

ADJOURNMENT: 12:37 pm

CERTIFICATION OF MEETING MINUTES OF THE LOCAL RECORDS COMMITTEE:

I, Cindy Evans, Chair of Local Records Committee, certify that the above is a true and correct transcript of the minutes of a public meeting of the Local Records Committee of the State of Washington held in the State Archives Building conference room on November 29th, 2012, and that the public meeting was duly called and held in all respects in accordance with the laws of the State of Washington, and that a quorum was present.

Chair Signature

Date

II. NEW BUSINESS/ACTION ITEMS

A. Law Enforcement Records Retention Schedule (Ver. 6.1)

- Revision Guide
- 18 U.S.C 922



This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule covers the public records of local law enforcement agencies relating to the functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* and other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention), Permanent, or Non-Archival with a retention period of "Life of the Agency" must not be destroyed. Records designated as Archival (Appraisal Required) or Potentially Archival must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter [42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests. In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on January 31, 2013.



REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	2001	Initial version (and updates).
2.0	2002	Minor revisions.
3.0	2005	Minor revisions.
4.0	2007	Jail Records and Electronic Records and Information Services sections revised.
4.1	December 27, 2007	Primary retention of SURVEILLANCE RECORDINGS – ROUTINE (DAN L15-01-64) reduced from 6 months to 60 days.
5.0	March 26, 2009	Records series common to all local government agencies now appear in the new <i>Local Government Common Records Retention Schedule (CORE)</i> and have been removed from this schedule. All Disposition Authority Numbers (DANs) in the <i>Law Enforcement Records Retention Schedule</i> now begin with the prefix “LE”; there have been no changes to titles, descriptions, retention periods, or archival designations.
6.0	July 29, 2010	Complete revision of series titles, descriptions, retention periods, and archival designations. Entire schedule has been reorganized and restructured. The “Secondary Copy” and “Remarks” columns have been removed and the entire schedule has been reformatted. Records series common to all local government agencies and covered by the <i>Local Government Common Records Retention Schedule (CORE)</i> have been removed.
6.1	January 31, 2013	Critical updates based on user feedback. Added 10 new records series, discontinued 10 series, and revised 36 series. Function descriptions revised to more closely follow activity descriptions in <i>CORE</i> .



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1. AGENCY MANAGEMENT

The function relating to the overarching management of the law enforcement agency and its general administration where not covered by the *Local Government Common Records Retention Schedule (CORE)*. Includes managing the agency's interaction with its community and legal matters.

1.1 COMMUNITY RELATIONS

The activity of the local government agency interacting with its community.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-025 Rev. 0	<p><i>Crime Prevention Programs</i></p> <p>Records relating to the management of crime prevention programs.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Crime Stoppers;• Block watch;• Business watch;• House watch. <p>Excludes Ride-Along program records covered by DAN LE03-01-38 in the <i>Common Records Retention Schedule (CORE)</i>.</p>	<p>Retain for 1 year after obsolete or superseded <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>
LE2013-001 Rev. 0	<p><i>Fingerprint Requests (Public)</i></p> <p>Records, including logs, relating to requests submitted by individuals to obtain their own fingerprints for reasons <u>unrelated to criminal or other investigations of the law enforcement agency</u>. For example, the requestor may be requesting fingerprints to provide for a potential employer prior to hiring, or to obtain a specific occupational license from a regulatory agency.</p> <p>Excludes:</p> <ul style="list-style-type: none">• Law enforcement fingerprint analyses covered by LE2013-010;• Financial transaction records covered by GS2011-184 in the <i>Common Records Retention Schedule (CORE)</i>.	<p>Retain for 3 years after request fulfilled <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OFM</p>



1.1 COMMUNITY RELATIONS

The activity of the local government agency interacting with its community.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-026 Rev. 0	Lock-Outs Records relating to the provision of assistance to citizens who have locked themselves out of houses or vehicles. Excludes waivers of liability covered by GS50-01-11 in the <i>Common Records Retention Schedule (CORE)</i> .	Retain for 3 years after date of lock-out <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE25-01-01 Rev. 1	Property Registration Records relating to personal property registered with the agency for recovery if lost or stolen.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE03-01-38 Rev. 1	Ride-Along Program Records relating to public participation in agency Ride-Along programs.	Retain for 3 years after participant's ride-along <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



2. ASSET MANAGEMENT

The function of managing the local government agency's assets where not covered by the *Local Government Common Records Retention Schedule (CORE)*, including physical assets (animals, facilities, land, equipment, vehicles, supplies, hazardous materials, etc.). Excludes financial assets (stocks, bonds, etc.), which are covered in the Financial Management section of the *Common Records Retention Schedule (CORE)*.

2.1 MAINTENANCE

The activity of performing legally required or voluntary actions on assets owned or used by the agency aimed at preventing unsafe conditions, advancing security, reducing equipment decline/failure, and avoiding unnecessary loss. Includes routine, preventive, scheduled and unscheduled repair, remediation and abatement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE26-01-02 Rev. 1	Agency-Owned Animals Records relating to horses, dogs, or other animals owned by the agency and retained in accordance with WAC 139-05-915(7) . Includes, but is not limited to: <ul style="list-style-type: none">• Training and canine team certification;• Animal acquisition and microchip information;• Records showing purpose, use, or assignment of animal.	Retain for 6 years after removal from active service <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE27-01-04 Rev. 1	Weapons (Agency-Issued) Records relating to the issuance, inspection, and maintenance of weapons issued by and/or handled by agency personnel. Includes, but is not limited to: <ul style="list-style-type: none">• Records of issuance, gift, and loss;• Records of inspection, maintenance, and certification.	Retain for 3 years after disposal of weapon <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3. COMMUNICATION

The function of receiving, maintaining, and disseminating information relating to law enforcement activities, including the provision of pertinent information to agency personnel, other agencies, and the public.

3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE06-01-03 Rev. 1	All Radio Transmissions Recordings of radio transmissions between law enforcement and dispatch staff regarding requests for resources, status changes, and/or incident-related activity.	Retain for 90 days after conclusion of dispatch action <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE12-01-01 Rev. 1	Alarm Call Response Reports documenting officer response to alarms and/or the outcome of the agency response.	Retain for 30 days after event <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE12-01-05 Rev. 1	Census Tract/Grid Maps Maps showing census tracts used for the purposes of compiling law enforcement statistics, trending, and analysis.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE03-01-32 Rev. 1	<i>Dangerous Individuals and Premises</i> Information relating to specific individuals or premises that present unique hazards to law enforcement personnel, or where needed to expedite law enforcement response. Includes, but is not limited to, information documenting: <ul style="list-style-type: none">• Individuals known to have unique medical needs;• Address-specific hazards to law enforcement;• Address-specific security systems;• Individuals known to present risk to law enforcement personnel.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2013-002 Rev. 0	<i>Non-Emergency Reports</i> Reports of non-emergency crimes or incidents received by law enforcement agencies. Does not include calls or reports received by designated public safety answering points. Includes, but is not limited to: <ul style="list-style-type: none">• Reports of non-emergency incidents received via phone or web-form;• Master recordings of non-emergency calls received. Excludes: <ul style="list-style-type: none">• 911 conversation recordings covered by EM50-29-01 in the <i>Emergency Communications Records Retention Schedule</i>;• Computer-Aided Dispatch (CAD) – Incident Files covered by EM06-01-02 in the <i>Emergency Communications Records Retention Schedule</i>;• Incident reports.	Retain for 90 days after report received <i>or</i> conclusion of dispatch action, <i>whichever is later</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE06-01-07 Rev. 1	Radio Logs Logs documenting incoming and/or outgoing emergency radio communications.	Retain for 60 days after date of entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE06-01-08 Rev. 1	Recurrent Callers Records relating to individuals who make emergency calls on an unusually frequent basis.	Retain for 3 years after last activity <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-031 Rev. 0	Reverse Automatic Locator Requests Records relating to requests to phone companies for location information associated with specific phone numbers from which calls have been received.	Retain for 3 years after date of request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



3.2 INFORMATION DISSEMINATION

The activity of distributing information among agency personnel, other agencies, or the public.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-032 Rev. 0	<i>Criminal History Validations – A Centralized Computer Enforcement System (ACCESS), Washington Crime Information Center (WACIC), and National Crime Information Center (NCIC)</i> Records relating to validation notices received from the Washington State Patrol verifying the receipt and database entry of criminal history information transferred in accordance with RCW 10.98.050 .	Retain for 3 years after date of validation <i>or</i> until completion of Washington State Patrol audit, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-18 Rev. 1	<i>Daily Bulletins</i> Bulletins created on a daily basis to disseminate pertinent information to officers.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE03-01-47 Rev. 1	<i>Uniform Crime Reporting (UCR)/National Incident-Based Reporting (NIBR)</i> Reports prepared on a monthly basis documenting UCR and/or NIBR information and statistics for submission to the Washington Association of Sheriffs and Police Chiefs (WASPC). Also includes supplemental reports.	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR



4. CORRECTIONS AND JAILS

The function of operating correctional facilities and community corrections programs.

See the *Local Government Common Records Retention Schedule (CORE)* for additional records relating to asset management and financial management.

4.1 FOOD AND COMMISSARY SERVICES

The activity of providing for the dietary and hygiene needs of inmates, and providing access to commissary services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-033 Rev. 0	Commissary Orders Orders submitted by inmates for the purchase of commissary items.	Retain for 3 years after date of order <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-17 Rev. 1	Food Services – General Records relating to meals and food programs provided to the general inmate population. Includes, but is not limited to, meal counts and menus. Excludes records relating to special dietary requirements covered by LE15-01-09.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-09 Rev. 1	Food Services – Special Dietary Requirements Records relating to the unique or specific dietary needs of individual inmates and the provision of food/dietary products. Includes, but is not limited to: <ul style="list-style-type: none">• Diet orders;• Documentation of food/products provided to individuals.	Retain for 3 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.1 FOOD AND COMMISSARY SERVICES

The activity of providing for the dietary and hygiene needs of inmates, and providing access to commissary services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-10 Rev. 1	Free Issue Records documenting items provided to inmates at no cost to the inmate.	Retain for 3 years after date of issue <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.2 INMATE HEALTH INFORMATION MANAGEMENT

The activity of managing the medical records of inmates who receive health care services while incarcerated. Includes medical, dental, and psychiatric records.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-25 Rev. 2	<p><i>Inmate Health Records (Age 18 and Over)</i></p> <p>Records relating to the provision of health-related services or surveillance for adult inmates on an individual basis.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Screening and history information;• Information about medical encounters with health care providers;• Notes and correspondence related to the patient;• Laboratory and test results;• Diagnostic images (such as x-rays, MRIs or CAT scans). <p>Excludes records pertaining to inmate health which are part of the Inmate Custody File covered by LE15-01-40 or LE2010-038.</p>	<p>Retain for 8 years after provision of health-related services <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-034 Rev. 1	<p><i>Inmate Health Records (Under Age 18)</i></p> <p>Records documenting the provision of health-related services or surveillance for juvenile inmates on an individual basis.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Screening and history information;• Information about medical encounters with health care providers;• Laboratory and test results;• Diagnostic images (such as x-rays, MRIs or CAT scans). <p>Excludes records pertaining to inmate health which are part of the Inmate Custody File covered by LE15-01-40 or LE2010-038.</p>	<p>Retain for 8 years after patient attains age 18 <i>and</i> 8 years after provision of health-related services <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



4.3 INMATE MOVEMENT

The activity of authorizing and documenting the movement of inmates into, within, or out of the corrections facility.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-15 Rev. 1	Activity Logs (Floor/Block/Unit) Logs documenting inmate activity and/or movement on each floor, block or unit. Includes, but is not limited to logs documenting: <ul style="list-style-type: none">• Departure to/return from classes or programs;• Phone use.	Retain for 6 years after date of log entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE22-01-03 Rev. 2	Extraditions Records relating to agency planning and coordination of inmate extraditions to out-of-state detention facilities. Excludes extradition documents which are part of an Inmate Custody File covered by LE15-01-40 or LE2010-038.	Retain for 6 years after extradition fulfilled, cancelled, or expired <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-30 Rev. 1	Facility Registers Facility registers created in accordance with RCW 70.48.100 documenting summary information about inmates as they are admitted into, transferred between, or released from corrections facilities.	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) ESSENTIAL OPR
LE2010-035 Rev. 0	Local Jail Reports Reports submitted to the Office of Financial Management in accordance with RCW 10.98.130 regarding offenders released from jails who were convicted of felonies or incarcerated for noncompliance with a felony sentence.	Retain for 6 years after date of report <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.3 INMATE MOVEMENT

The activity of authorizing and documenting the movement of inmates into, within, or out of the corrections facility.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-47 Rev. 2	Release Recaps Chronological listings of all inmates released from incarceration the previous day. Excludes local jail reports covered by LE2010-035.	Retain for the life of the agency.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-036 Rev. 0	Sex/Kidnapping Offender Registration Acknowledgements Records documenting acknowledgement of notification of offender registration requirements (in accordance with RCW 70.48.470(1)) by inmates convicted of sex or kidnapping offenses.	Retain for 6 years after date of signature <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-037 Rev. 0	Transfer of Custody Records relating to agency planning and coordination of transportation for inmates into another agency's custody.	Retain for 3 years after transport fulfilled or cancelled <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-40 Rev. 1	<p><i>Inmate Custody Files (Age 18 and Over)</i> Records documenting the custody of inmates age 18 and over.</p> <p>Includes, but is not limited to, documentation relating to:</p> <ul style="list-style-type: none">• Admittance, booking, and transfer;• Background data and history;• Classification (change requests, reviews, hearings, etc.);• Involvement in inmate programming;• Infractions and disciplinary hearings;• Release and community corrections (probation, parole, etc.);• Legal (court records, extradition authorization, victim notification forms, etc.) <p>Excludes extradition planning and coordination records covered by LE22-01-03.</p>	<p>Retain for 6 years after termination of incarceration <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-038 Rev. 0	<p><i>Inmate Custody Files (Under Age 18)</i> Records documenting the custody of inmates under age 18.</p> <p>Includes, but is not limited to, documentation relating to:</p> <ul style="list-style-type: none">• Admittance, booking, and transfer;• Background data and history;• Classification;• Involvement in inmate programming;• Infractions and disciplinary hearings;• Release and community corrections (probation, parole, etc.);• Legal (court records, extradition authorization, victim notification forms, etc.) <p>Excludes extradition planning and coordination records covered by LE22-01-03.</p>	<p>Retain for 5 years after subject attains age 18 <i>and</i> 6 years after termination of incarceration <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-086 Rev. 1	<p><i>Inmate Custody Files – Notorious/Historically Significant Inmates</i></p> <p>Records documenting the custody of inmates who have gained contemporary public notoriety or significance.</p> <p>Includes, but is not limited to, documentation relating to:</p> <ul style="list-style-type: none">• Admittance, booking, and transfer;• Background data and history;• Classification (change requests, reviews, hearings, etc.);• Involvement in inmate programming;• Infractions and disciplinary hearings;• Release and community corrections (probation, parole, etc.);• Legal (court records, extradition authorization, victim notification forms, etc.). <p>Excludes extradition planning and coordination records covered by LE22-01-03.</p> <p><i>Note: For guidance on how to identify notorious or historically significant cases, please refer to Washington State Archives' published advice sheet Notorious/Historically Significant Case Files and Inmate Custody Records.</i></p>	<p>Retain for 6 years after termination of incarceration <i>then</i> Transfer to Washington State Archives for permanent retention.</p>	<p>ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR</p>
LE2010-039 Rev. 1	<p><i>Grievance Logs (Inmate)</i></p> <p>Logs documenting the tracking of grievances received from inmates.</p> <p><i>Note: Inmate grievances are covered by LE2010-040 or LE2010-041.</i></p>	<p>Retain for 6 years after date of log entry <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-040 Rev. 0	<p>Grievances – Inmate (Age 18 and Over)</p> <p>Records relating to formal complaints and/or allegations received from inmates age 18 and over, and the agency’s response.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Allegation documentation;• Actions taken in response to allegations;• Documentation of inmate injuries;• Grievances (incident reports, investigations, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Inmate grievances covered by LE2010-041;• Inmate grievance logs covered by LE2010-039;• Agency employee grievances covered by GS50-04E-03 in the <i>Common Records Retention Schedule (CORE)</i>;• Employee misconduct investigation records covered by GS50-04B-46 or GS50-04B-47 in the <i>Common Records Retention Schedule (CORE)</i>.	<p>Retain for 6 years after resolution of grievance <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-041 Rev. 0	<p>Grievances – Inmate (Under Age 18)</p> <p>Records relating to formal complaints and/or allegations received from inmates under age 18, and the agency's response.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Allegation documentation;• Actions taken in response to allegations;• Documentation of inmate injuries;• Grievances (incident reports, investigations, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Inmate grievances covered by LE2010-040;• Inmate grievance logs covered by LE2010-039;• Agency employee grievances covered by GS50-04E-03 in the <i>Common Records Retention Schedule (CORE)</i>;• Employee misconduct investigation records covered by GS50-04B-46 or GS50-04B-47 in the <i>Common Records Retention Schedule (CORE)</i>.	<p>Retain for 6 years after resolution of grievance <i>and</i> 3 years after juvenile attains age 18 <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE14-01-29 Rev. 2	<p>Inmate Surveillance Logs</p> <p>Logs relating to the surveillance and monitoring of inmates for security purposes. Includes, but is not limited to cell/unit inspection logs, pass-on logs, and surveillance logs used by agency employees to provide continuity in security across work shifts.</p> <p>Excludes mail and property surveillance covered by LE15-01-56.</p>	<p>Retain for 3 years after date of final entry <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OFM



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-56 Rev. 1	Mail and Property Surveillance Records relating to the inspection and review of mail and other materials sent to inmates by outside parties.	Retain for 3 years after conclusion of review <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-39 Rev. 1	Population Counts (Inmate) Records documenting inmate population demographics, counts, or assignments. Includes, but is not limited to: <ul style="list-style-type: none">• Bed and housing assignments;• Population census and reports;• Tank rosters.	Retain for 3 years after date of report or entry <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE15-01-46 Rev. 1	Receipt of Items (Inmate) Logs documenting the agency's provision of items for inmates at no cost to the inmate. Includes, but is not limited to: <ul style="list-style-type: none">• Razors;• Personal hygiene products;• Clothing.	Retain for 3 years after date of log entry <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-042 Rev. 1	Recordings, Phone Conversation (Case-Specific) Recordings of inmate phone conversations, created in accordance with RCW 9.73.095 , where the recorded conversation <i>is</i> related to litigation or a criminal proceeding. Excludes phone conversation recordings covered by LE06-01-04.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-043 Rev. 1	Recordings, Phone Conversation (Not Case-Specific) Recordings of inmate phone conversations, created in accordance with RCW 9.73.095 , where the recorded conversation <i>is not</i> related to litigation or a criminal proceeding. Excludes phone conversation recordings covered by LE06-01-04.	Retain for 1 year after date of conversation <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-63 Rev. 1	Recordings, Security – Incident Identified Recordings, created as security measures, which <u>do</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request. Includes, but is not limited to: <ul style="list-style-type: none">• Inmate surveillance;• Booking and arrest area security recordings.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-64 Rev. 1	Recordings, Security – Incident Not Identified Recordings, created as security measures, which <u>do not</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request. Includes, but is not limited to: <ul style="list-style-type: none">• Inmate surveillance;• Booking and arrest area security recordings.	Retain for 60 days after date of recording <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-26 Rev. 1	Requests (Inmate) Records relating to inmate requests for items or services. Includes, but is not limited to: <ul style="list-style-type: none">• Medical or pharmacy services;• Commissary services;• Access to service programs (including applications for admission into community corrections programs).	Retain for 3 years after date of request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-044 Rev. 1	Trustee Files Records relating to inmates selected for trustee status and their involvement as trustees. Excludes trustee records that are part of an inmate custody file covered by LE15-01-40 or LE2010-038.	Retain for 1 year after revocation or termination of trustee status <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-62 Rev. 1	Trustee Rosters Rosters of inmates selected to be trustees.	Retain for 1 year after last entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-59 Rev. 1	Warrant Holds Records relating to notifications received from other law enforcement agencies regarding offenders who are wanted and should be held if apprehended. Includes, but is not limited to: <ul style="list-style-type: none">• Hold warrants;• Documentation relating to transfer of offender.	Retain for 6 years after cancelled or inmate transferred <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.4 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-045 Rev. 0	Earnings Disposition Records relating to payroll deductions and disbursements of inmate earnings in accordance with RCW 72.65.050 .	Retain for 6 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-67 Rev. 2	Work Crews Documentation of community corrections or community service work crews overseen by the law enforcement agency, including rosters of inmates or volunteers who worked, orders, directions, shift activity documentation, and any other coordination materials.	Retain for 6 years after conclusion of work activity <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



5. EMERGENCY MANAGEMENT

The function relating to the management and provision of emergency services in response to specific emergency or disaster situations to ensure public safety.

5.1 SEARCH AND RESCUE

The activity of coordinating and providing search and rescue services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-046 Rev. 0	Mission Files – Search and Rescue Records relating to the planning and/or implementation of search and rescue missions in accordance with chapter 38.52 RCW .	Retain for 6 years after mission concluded <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE2010-047 Rev. 0	Training – Search and Rescue Records relating to the training of search and rescue volunteers.	Retain for 3 years after conclusion of training activity <i>then</i> Destroy .	NON-ARCHIVAL NON-ESSENTIAL OPR



6. ENFORCEMENT

The function of enforcing ordinances and laws within the jurisdiction of the local law enforcement agency.

See the *Local Government Common Records Retention Schedule* for additional records relating to the management of the law enforcement agency's assets.

6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-048 Rev. 0	<i>Alcohol, Tobacco and Firearms (ATF) Forms</i> Copies of federal forms completed or signed by local law enforcement and returned to citizens requesting ATF permission to acquire regulated weapons. Includes, but is not limited to: <ul style="list-style-type: none">• ATF Form 4 – <i>Application for Tax Paid Transfer and Registration of Firearm</i>;• ATF Form 7CR – <i>Application for Federal Firearms License (Collector of Curios and Relics)</i>;• ATF Form 1 – <i>Application to Make and Register a Firearm</i>.	Retain for 3 years after date form completed <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-003 Rev. 0	<i>Alien Firearm Licenses</i> Records relating to applications to obtain alien firearm licenses in accordance with RCW 9.41.173 regardless of whether the applicant has been approved or denied. Includes, but is not limited to: <ul style="list-style-type: none">• Copies of approval/denial notifications sent to Department of Licensing;• Copies of licenses issued;• Background investigation materials;• Voided licenses. <i>Note: Alien firearm license notifications received by the Washington State Department of Licensing are retained for 6 years after expiration of license in accordance with the Department of Licensing records retention schedule.</i>	Retain for 6 years after expired, voided, or denied, whichever occurs sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-01 Rev. 2	<p><i>Concealed Pistol License Applications – Approved/Voiced/Revoked</i></p> <p>Records relating to public applications to obtain concealed pistol licenses in accordance with RCW 9.41.070 and agency issuance of concealed pistol licenses where the applicant is approved to receive a concealed pistol license or where the license is subsequently voided or revoked in accordance with RCW 9.41.075.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Copies of approval/denial/revocation notifications sent to Department of Licensing;• Copies of licenses issued;• Background investigation materials;• Voiced licenses. <p><i>Note: Concealed Pistol License approvals received by the Washington State Department of Licensing are retained for 6 years in accordance with the Department of Licensing records retention schedule.</i></p>	<p>Retain for 6 years after expired, voided or revoked <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE17-01-02 Rev. 2	<p><i>Concealed Pistol License Applications – Denied</i></p> <p>Records relating to public applications to obtain concealed pistol licenses in accordance with RCW 9.41.070, and supporting documentation, where the applicant is <u>not</u> approved to receive a concealed pistol license.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Copies of approval/denial notifications sent to Department of Licensing;• Background investigation materials. <p><i>Note: Concealed Pistol License denials received by the Washington State Department of Licensing are retained for 6 years in accordance with the Department of Licensing records retention schedule.</i></p>	<p>Retain for 2 years after date of denial <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-06 Rev. 1	Firearm Dealer Licenses Records relating to the licensing of firearms dealers in accordance with chapter 9.41 RCW . <i>Note: Department of Licensing retains firearm dealer licenses for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain for 1 year after expiration of license <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-049 Rev. 1	Firearm Purchase/Transfer Requests – Eligible Records relating to requests received from firearms dealers to transfer firearms where the law enforcement agency has determined the transferee is <i>eligible</i> to receive a firearm in accordance with 18 U.S.C. §922 . Excludes purchase/transfer requests covered by LE17-01-03. <i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain no later than 20 days after request received <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE17-01-03 Rev. 2	Firearm Purchase/Transfer Requests – Ineligible Records relating to requests received from firearms dealers to transfer firearms where the law enforcement agency has determined the transferee is <i>ineligible</i> to receive a firearm in accordance with 18 U.S.C. §922 . Excludes purchase/transfer requests covered by LE2010-049. <i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain for at least 20 days after receipt of transfer request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE17-01-10 Rev. 1	Pawnbroker/Secondhand Dealer Slip Files/Daily Reports Records relating to daily slips received from pawnbrokers/secondhand dealers regarding their sales transactions.	Retain for 1 year after date of receipt <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-11 Rev. 1	<i>Pawnbroker/Secondhand Dealer Inspections</i> Records relating to the inspection of pawnbroker/secondhand dealers to determine compliance with rules and regulations.	Retain for 3 years after date of inspection <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2013-004 Rev. 0	<i>Solicitor Licenses</i> Records relating to applications for licenses to solicit/hawk/peddle within the agency's jurisdiction. Includes, but is not limited to: <ul style="list-style-type: none">• Applications received;• Reference check forms and notes;• Fingerprint materials;• Background check notes or printouts;• Copies or originals of licenses provided (if approved);• Correspondence relating to the application. Excludes financial transaction records covered by GS2011-184 in the <i>Common Records Retention Schedule (CORE)</i> .	Retain for 6 years after expiration of license <i>or</i> final renewal, <i>whichever is</i> <i>later</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.2 COURT ORDER IMPLEMENTATION

The activity of enforcing and implementing orders, subpoenas, warrants, and other papers issued by courts requiring law enforcement involvement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-12 Rev. 2	<p><i>Court Orders/Warrants/Writs – Not Acted Upon</i></p> <p>Orders issued by a court and filed with the law enforcement agency where the agency has taken no subsequent action.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Anti-harassment, no contact, protection, restrictive area, SODA/SOAP orders;• Documentation that order, warrant, or writ information was reported or forwarded to an outside agency or organization such as the National Instant Criminal Background Check System (NICS). <p>Excludes court orders served on the agency covered by GS2011-172 in the <i>Common Records Retention Schedule (CORE)</i>.</p>	<p>Retain until expired, vacated, terminated, or superseded <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE05-01-04 Rev. 2	<p><i>Court Orders/Warrants/Writs – Acted Upon</i></p> <p>Records relating to the tracking and delivery of official documents requiring a process to be served by the agency, including action taken on orders, warrants and writs not originally filed with the agency.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Domestic violence information sheets;• Service slips and logs (including face sheets and day tickets);• Returns of service;• Documentation that order, warrant, or writ information was reported or forwarded to an outside agency or organization such as the National Instant Criminal Background Check System (NICS). <p>Excludes summonses that become part of a case file.</p>	<p>Retain for 6 years after last entry or action <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OFM



6.2 COURT ORDER IMPLEMENTATION

The activity of enforcing and implementing orders, subpoenas, warrants, and other papers issued by courts requiring law enforcement involvement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-08 Rev. 1	Dockets/Process Logs Logs, dockets, or lists of civil and criminal processes received by the agency.	Retain for 3 years after date of entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE05-01-07 Rev. 1	Executions Against Personal Property Records relating to court-ordered property seizures resulting from judgments against individuals or entities in accordance with chapter 6.17 RCW . Includes, but is not limited to: <ul style="list-style-type: none">• Civil worksheets;• Writs and granting orders;• Continuation reports;• Descriptions of property involved.	Retain for 6 years after date of seizure or stay <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE20-01-03 Rev. 2	Sex/Kidnapping Offender Registration, Monitoring and Contacts Records documenting the registration and/or monitoring of sex and kidnapping offenders in the agency's jurisdiction, and/or any associated contacts with offenders. Includes, but is not limited to, records relating to sex/kidnapping offender community notifications.	Retain for 6 years after offender leaves the agency's jurisdiction <i>or</i> for 6 years after termination of offender's registration requirement, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



6.3 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing traffic, vessel, or vehicle-related laws and ordinances, and citing violations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-052 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Issued Images captured by automated traffic safety cameras which <u>have</u> resulted in the issuance of a citation or notice of infraction.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-053 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Not Issued Images captured by automated traffic safety cameras which <u>have not</u> resulted in the issuance of a citation or notice of infraction.	Retain until verification that no infraction has been captured <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-054 Rev. 0	Automatic License Plate Recognition Images – Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which <u>do</u> contain images significant to case investigations or court proceedings.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-055 Rev. 0	Automatic License Plate Recognition Images – Not Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which <u>do not</u> contain images significant to case investigations or court proceedings.	Retain until verification that a significant image has not been captured <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.3 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing traffic, vessel, or vehicle-related laws and ordinances, and citing violations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-095 Rev. 1	<p><i>Citations/Notices of Infraction Issued – Driving Under the Influence</i></p> <p>Records relating to citations issued to alleged violators for driving while under the influence of intoxicating liquor or drugs as defined in RCW 46.61.502.</p> <p><i>Note: RCW 46.61.502 allows individuals who have had four or more prior offenses within 10 years to be charged with a gross misdemeanor, necessitating a minimum 10 year retention period.</i></p> <p>Excludes:</p> <ul style="list-style-type: none">• Citations/Notices of Infraction generated using Washington State Patrol's Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol;• Citations/Notices of Infraction covered by LE07-01-06.	<p>Retain for 10 years after date of issuance <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE07-01-06 Rev. 2	<p><i>Citations/Notices of Infraction Issued – All Others</i></p> <p>Records relating to criminal or non-criminal citations issued to alleged violators in accordance with RCW 46.64.010(4).</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Originals and/or duplicates of issued citations;• Documentation of disposition of the charge when applicable. <p>Excludes:</p> <ul style="list-style-type: none">• Citations/Notices of Infraction generated using Washington State Patrol's Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol;• Citations/Notices of Infraction covered by LE2010-095.	<p>Retain for 3 years after date of issuance <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



6.3 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing traffic, vessel, or vehicle-related laws and ordinances, and citing violations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE03-01-12 Rev. 1	Citations/Notices of Infraction – Issued to Officer Records documenting the issuance of blank, pre-numbered citations/notices of infraction to officers in accordance with RCW 46.64.010 . Includes, but is not limited to: <ul style="list-style-type: none">• Voided citations/tickets;• Receipts for books and/or devices issued.	Retain for 3 years after date of issuance <i>or</i> until completion of State Auditor’s report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE12-01-13 Rev. 1	Collision Reports Reports documenting vehicle collisions resulting in injury, death, or damage to property, created in accordance with RCW 46.52.070 and submitted to Washington State patrol in accordance with RCW 46.52.030 .	Retain until submitted to Washington State Patrol <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE21-01-04 Rev. 1	Impound Logs Logs documenting impounds reported to the agency by registered tow truck operators.	Retain for 3 years after date of log entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.3 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing traffic, vessel, or vehicle-related laws and ordinances, and citing violations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE21-01-02 Rev. 1	<i>Impounds/Abandoned Vehicles</i> Records relating to vehicles impounded by the agency. Includes, but is not limited to: <ul style="list-style-type: none">• Impound/abatement records;• Tow-away notices;• Requests for information;• Notices to owner(s) and/or lien holder(s);• Affidavits;• Transfers of ownership;• Bills of sale.	Retain for 3 years after disposition of vehicle <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-057 Rev. 0	<i>Suspension/Trespass/Expulsion Notices</i> Records relating to notices issued to suspend the rights of an individual or to prohibit their presence in a specific place or location. Includes, but is not limited to: <ul style="list-style-type: none">• Transit suspensions;• Trespass notices;• Expulsion notices.	Retain for 1 year after cancelled or expired <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-005 Rev. 0	<i>Vessel Inspections</i> Records relating to boat/vessel inspections performed by the local law enforcement agency to determine compliance with applicable laws and regulations where a violation has or has not been cited. Excludes citations/notices of infraction covered by LE2010-095 or LE07-01-06.	Retain for 6 years after date of inspection <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 PROPERTY AND AUCTION MANAGEMENT

The activity of confiscating, seizing, acquiring, and/or auctioning (non-agency) property as mandated by statute, ordinance, or court order.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-006 Rev. 0	<p>Evidence Audits</p> <p>Records relating to evidence room audits conducted by the law enforcement agency's own staff to determine compliance with applicable policies, procedures and requirements for the management of evidence.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Correspondence relating to evidence audits;• Notes, logs, or other documentation created by the auditor relating to the inspection/audit;• Audit reports/results/findings. <p>Excludes:</p> <ul style="list-style-type: none">• Records relating to financial audits covered by GS50-03F-02 in the <i>Common Records Retention Schedule (CORE)</i>;• Records relating to State Auditor's examination reports covered by GS50-03A-26 in the <i>Common Records Retention Schedule (CORE)</i>;• Records relating to audits performed by the Washington Association of Sheriffs and Police Chiefs.	<p>Retain for 4 years after completion of auditor's report <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 PROPERTY AND AUCTION MANAGEMENT

The activity of confiscating, seizing, acquiring, and/or auctioning (non-agency) property as mandated by statute, ordinance, or court order.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-058 Rev. 0	<p>Property Forfeited</p> <p>Records relating to personal and/or real property forfeited to the agency in accordance with RCW 69.50.505.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Documentation of auction and/or proceeds realized from disposition;• Property retained for agency use;• Forfeiture hearing tapes. <p><i>Excludes records relating to property retained for law enforcement use in accordance with chapters 63.32, 63.40, and 63.42 RCW.</i></p> <p><i>Note: RCW 69.50.505(8)(b) requires agencies to retain records relating to forfeited property for at least 7 years.</i></p>	<p>Retain for 7 years after date of forfeiture <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-08 Rev. 2	<p>Property Seizure/Disposition</p> <p>Records relating to the seizure or disposition of non-agency property to satisfy a court judgment or order.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Auction reports;• Bills, certificates, and notices of sale;• Copies of deeds.	<p>Retain for 6 years after disposition of property <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



7. HUMAN RESOURCE MANAGEMENT

The function of managing the local law enforcement agency's workforce where not covered by the *Local Government Common Records Retention Schedule (CORE)*.

See the *Local Government Common Records Retention Schedule (CORE)* for additional records relating to human resource management.

7.1 MISCONDUCT / DISCIPLINE/GRIEVANCE

The activity of investigating and responding to employee misconduct, grievances and disciplinary matters.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE03-01-05 Rev. 1	Administrative Review Records relating to administrative reviews conducted in response to specific events to determine staff compliance with policy or procedure. Includes, but is not limited to: <ul style="list-style-type: none">• Compliance reports;• Summaries of review findings. <i>Note: RCW 34.05.494 requires agencies to retain an agency record of any documents that were considered or prepared by the presiding officer for the proceeding or review.</i>	Retain for 5 years after completion of review <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR
LE2010-059 Rev. 0	Major Incident Review Reviews relating to events identified as major or significant incidents by the agency for the purposes of improving future responses and to identify training or safety issues for incorporation into training procedure.	Retain for 6 years after date of incident <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR



7.2 PERSONNEL MANAGEMENT

The activity of assessing and directing employee progress toward performance goals.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE20-01-01 Rev. 1	<i>Off-Duty Authorizations and Commissions</i> Records relating to authorizations for individuals to perform law enforcement functions. Includes, but is not limited to: <ul style="list-style-type: none">• Extensions of authority;• Special police commissions. Excludes agency employee records covered by GS50-04B-06 in the <i>Common Records Retention Schedule (CORE)</i> .	Retain for 6 years after termination of authorization or commission <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-39 Rev. 1	<i>Roll Call Files</i> Records relating to officer attendance at agency meetings, briefings, inspections, and other agency activities and events.	Retain for 1 year after event <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8. INVESTIGATION

The function of investigating alleged criminal activity in the local law enforcement agency's jurisdiction.

8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE12-01-03 Rev. 1	Case Assignment Control Logs documenting the assignment of criminal cases to detectives.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-060 Rev. 1	Case Files – Notorious/Historically Significant Cases Case reports and files assembled by law enforcement in the course of investigating cases which have gained contemporary public notoriety or significance. Includes, but is not limited to: <ul style="list-style-type: none">Bond and bail information;Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). Excludes: <ul style="list-style-type: none">Juvenile offenses and sex/sexually violent offenses;Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007. <i>Note: For guidance on how to identify notorious or historically significant cases, please refer to Washington State Archives' published advice sheet Notorious/Historically Significant Case Files and Inmate Custody Records.</i>	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-061 Rev. 1	<p>Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies</p> <p>Case reports and files assembled by law enforcement in the course of investigating unsolved homicides, unidentified bodies, or unfound missing persons where the case has not been solved.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Bond and bail information;• Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Notorious/historically significant cases covered by LE2010-060;• Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007.	<p>Retain for 75 years after case opened <i>and</i> until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.</p>	<p>ARCHIVAL (Permanent Retention) ESSENTIAL OPR</p>
LE2010-062 Rev. 1	<p>Case Files – Homicides (Solved)</p> <p>Case reports and files assembled by law enforcement in the course of investigating homicides that have been solved.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Bond and bail information;• Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Notorious/historically significant cases covered by LE2010-060;• Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007.	<p>Retain for 20 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-063 Rev. 1	<p>Case Files – Sex Offenders and Sexually Violent Offenses</p> <p>Case reports and files assembled by law enforcement in the course of investigating criminal sex or kidnapping offenses as defined in chapter 9A.44 RCW, sexually violent offenses as defined in RCW 71.09.020(17), or pertaining to a sex offender as defined in chapter 9A.44 RCW.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Bond and bail information;• Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Notorious/historically significant cases covered by LE2010-060;• Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007. <p><i>Note: Records of any investigative reports pertaining to sex offenders as defined in Chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall be transferred to the Washington Association of Sheriffs and Police Chiefs in accordance with RCW 40.14.070(2)(b)(i).</i></p>	<p>Retain for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Transfer to Washington Association of Sheriffs and Police Chiefs for permanent retention.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-09 Rev. 2	<p>Case Files – Juvenile Offenders</p> <p>Case reports and files assembled by law enforcement pertaining to offenses allegedly committed by juveniles.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Bond and bail information;• Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Notorious/historically significant cases covered by LE2010-060;• Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007. <p><i>Note: RCW 13.50.050(22)(a) allows for the routine destruction of records relating to juvenile offenses only when the subject has attained 23 years of age or older. Local law enforcement records relating to juvenile offenses may also be destroyed pursuant to RCW 13.50.050(17)(a) upon notification from the juvenile court that such records are eligible for destruction.</i></p>	<p>Retain until juvenile attains 23 years of age <i>or</i> until notification of destruction eligibility is received from the juvenile court, whichever is sooner <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-064 Rev. 1	<p>Case Files – All Other Cases</p> <p>Case reports and files assembled by law enforcement in the course of investigating any incident that is not covered by a more specific records series.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Bond and bail information;• Latent print evidence (Latent Print Cards, photographic negatives, digital or photographic images, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Notorious/historically significant cases covered by LE2010-060;• Criminal history record information covered by LE07-01-05, LE2010-067, LE2010-068 or LE2013-007.	<p>Retain for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE12-01-04 Rev. 1	<p>Case Logs</p> <p>Logs documenting case tracking information within the agency.</p>	<p>Retain until all inclusive case files have been destroyed/transferred <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-065 Rev. 1	<p>Court Disposition Information</p> <p>Records relating to information received from courts or other law enforcement agencies regarding the disposition of a court process in accordance with RCW 10.97.045.</p>	<p>Retain until no longer needed for agency business <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-066 Rev. 0	<i>Criminal History Audit Reports</i> Final reports of Washington State Patrol audit findings. <i>Note: Criminal history audit reports are retained by Washington State Patrol in accordance with the Washington State Patrol records retention schedule.</i>	Retain for 6 years after completion of Washington State Patrol audit <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR
LE07-01-02 Rev. 1	<i>Criminal History Audit Trail Files</i> Records documenting the receipt and entry of disposition information to criminal offender record information in accordance with RCW 10.98.100 .	Retain for 1 year after completion of Washington State Patrol audit <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE07-01-05 Rev. 2	<i>Criminal History Record Information – Felonies and Gross Misdemeanors</i> Criminal history record information (as defined by RCW 10.97.030(1)) on individuals charged with a felony and/or gross misdemeanor. Includes, but is not limited to: <ul style="list-style-type: none">• Fingerprints recorded in accordance with RCW 43.43.735 and transmitted to Washington State Patrol in accordance with RCW 10.98.050 or RCW 43.43.570;• Identifiable descriptions;• Notations of arrests, charges and dispositions;• Mug shots. Excludes copies of rap sheets printed from state or federal criminal history databases covered by GS50-02-03 in the <i>Common Records Retention Schedule (CORE)</i> .	Retain until transmitted to Washington State Patrol <i>and</i> until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-067 Rev. 1	<p><i>Criminal History Record Information – Misdemeanors (with Fingerprints)</i></p> <p>Criminal history record information (as defined by RCW 10.97.030(1)) on individuals who are charged with a misdemeanor where fingerprints have been recorded and must be transmitted to Washington State Patrol in accordance with RCW 10.98.050 or RCW 43.43.570.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Identifiable descriptions;• Notations of arrests, charges and dispositions;• Mug shots. <p>Excludes copies of rap sheets printed from state or federal criminal history databases covered by GS50-02-03 in the <i>Common Records Retention Schedule (CORE)</i>.</p>	<p>Retain until transmitted to Washington State Patrol <i>and</i> until no longer needed for agency business <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-068 Rev. 1	<p><i>Criminal History Record Information – Misdemeanors (without Fingerprints)</i></p> <p>Criminal history record information (as defined by RCW 10.97.030(1)) on individuals charged with misdemeanors.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Identifiable descriptions;• Notations of arrests, charges and dispositions;• Mug shots. <p>Excludes copies of rap sheets printed from state or federal criminal history databases covered by GS50-02-03 in the <i>Common Records Retention Schedule (CORE)</i>.</p>	<p>Retain until offender attains 99 years of age <i>or</i> until offender is deceased, whichever occurs sooner <i>then</i> Destroy.</p>	NON-ARCHIVAL ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-007 Rev. 0	<p>Criminal History Record Information – Non-Conviction Data</p> <p>Criminal history record information (as defined by RCW 10.97.030(1)) that consists entirely of non-conviction data (as defined by RCW 10.97.030) for which the subject of the criminal history information has requested deletion of the non-conviction data, and deletion has been granted in accordance with RCW 10.97.060.</p> <p>Excludes:</p> <ul style="list-style-type: none">• Criminal history records covered by LE07-01-05, LE2010-067 or LE2010-068;• Copies of rap sheets printed from state or federal criminal history databases covered by GS50-02-03 in the <i>Common Records Retention Schedule (CORE)</i>.	<p>Retain until deletion request from subject of non-conviction data is granted <i>or</i> until subject is deceased, whichever occurs sooner <i>then</i> Destroy.</p>	NON-ARCHIVAL ESSENTIAL OPR
LE2010-069 Rev. 0	<p>Evidence/Property In Custody – Management</p> <p>Records documenting the intake, management, and disposition of property acquired by the agency as evidence or for safekeeping. Does not include the actual evidence which should be managed in accordance with applicable federal, state or local law, court order, and/or agency policy.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none">• Evidence/property in/out logs;• Documentation relating to disposition (destruction, return to owner, return to jurisdictional agency, etc.). <p>Excludes:</p> <ul style="list-style-type: none">• Inmate custody files covered by LE15-01-40 and LE2010-038;• Seized property covered by LE05-01-07 or LE03-01-08;• Public records requests covered by GS2010-014 in the <i>Common Records Retention Schedule (CORE)</i>.	<p>Retain for 6 years after disposition of property <i>and</i> 1 year after disposition of pertinent case file(s) <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-070 Rev. 1	<i>Expungement/Sealing/Vacation of Records</i> Records relating to requests and orders for the expungement, sealing or vacation of criminal information or records in accordance with WAC 446-16-025 .	Retain for the current approved retention period for the records being expunged/sealed/vacated <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-010 Rev. 0	<i>Fingerprint Analysis</i> Requests for fingerprint analysis <u>received from external law enforcement agencies for the purpose of identifying an individual and that do not relate to criminal or other investigations undertaken by the agency</u> . Includes latent prints from crime scenes, arrestee or inmate prints, and ten prints or other prints received for identification purposes, correspondence, and reports. Excludes: <ul style="list-style-type: none">• Public fingerprint requests covered by LE2013-001;• Ten prints or other fingerprints taken or received in regards to a concealed pistol license application or other permit/registration being processed by the agency and covered by a more specific DAN.	Retain for 3 years after request fulfilled <i>or</i> until returned to requesting agency <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-071 Rev. 0	<i>Investigative Funds</i> Records relating to agency funds expended during criminal investigation evidence buys, investigative expenses, and informant expenses and/or payments. Includes, but is not limited to: <ul style="list-style-type: none">• Expense vouchers;• Receipt books for funds spent;• Ledgers;• Receipts for purchases.	Retain for 10 years after date of last expenditure <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE07-01-10 Rev. 1	<i>Juvenile Sealed Records</i> Records relating to the sealing of juvenile offense records in accordance with RCW 13.50.050 . Includes, but is not limited to, notifications and authorizations received from courts.	Retain until juvenile attains 23 years of age <i>or</i> until court-ordered expungement, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL ESSENTIAL OPR
LE2010-072 Rev. 0	<i>Major Accident Response and Reconstruction (MARR)</i> Investigations of major traffic accidents resulting in fatalities or serious injury with a high likelihood of civil litigation. Includes, but is not limited to: <ul style="list-style-type: none">• Accident scene drawings and measurements;• Crash data logs.	Retain for 50 years after conclusion of investigation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-11 Rev. 1	National Crime Information Center (NCIC) Inquiry Logs Logs documenting all NCIC/III inquiries performed by the agency.	Retain until completion of Washington State Patrol audit <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-073 Rev. 0	Polygraph Tests Records relating to polygraph examinations administered as part of a criminal case investigation. Includes, but is not limited to: <ul style="list-style-type: none">• Uninterpreted polygraph results;• Interpretive reports. Excludes polygraph tests administered for personnel or human resources purposes covered in the <i>Common Records Retention Schedule (CORE)</i> .	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE09-01-08 Rev. 1	Recordings from Mobile Units – Incident Identified Recordings created by mobile units which have captured a unique or unusual action from which litigation or criminal prosecution is expected or likely to result.	Retain until matter resolved <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE09-01-09 Rev. 1	Recordings from Mobile Units – Incident Not Identified Recordings created by mobile units that <i>have not</i> captured a unique or unusual incident or action from which litigation or criminal prosecution is expected or likely to result.	Retain for 90 days after date of recording <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-008 Rev. 0	<i>Suspicious Matter Testing</i> Records relating to the testing of suspicious matter or substances, such as green vegetable matter, for identification purposes. Includes, but is not limited to: <ul style="list-style-type: none">• Test requisitions;• Testing and analysis notes, data, and reports (Findings of Fact reports, leaf marijuana test notes, etc.). Excludes: <ul style="list-style-type: none">• Suspicious matter testing logs covered by LE2013-009;• Testing reports and other testing records that are part of a case file.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2013-009 Rev. 0	<i>Suspicious Matter Testing – Logs</i> Logs used to track requisitions received by the law enforcement agency for the testing of suspicious matter. Excludes suspicious matter test records covered by LE2013-008.	Retain for 3 years after date of latest entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-03 Rev. 1	Career Criminals Records relating to repeat offenders who have been identified as career criminals. Excludes records which are part of a case file.	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE14-01-01 Rev. 1	Confidential Informants Records relating to individuals with confidential informant status who provide information to the agency on a confidential basis.	Retain until termination of confidential informant status <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE07-01-04 Rev. 2	Crime Analysis Files Records relating to analyses used to anticipate, prevent, or monitor potential criminal activity.	Retain for 1 year after completion of analysis <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE12-01-08 Rev. 1	Field Interrogation Reports Limited informational reports compiled and/or created by officers in regard to persons or vehicles that appear suspicious at the time or place of contact but do not immediately result in arrest or prolonged detention.	Retain for 1 year after date of report <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-074 Rev. 0	<i>Intelligence Files</i> Criminal intelligence files created or accumulated by agency personnel in the course of investigating suspected or alleged criminal activity. Includes records relating to the provision of special security (for dignitaries, witnesses, etc.).	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-075 Rev. 0	<i>Intercepted Communications/Conversations – Recorded</i> Records relating to private communications and/or conversations obtained from non-consenting parties authorized by a superior court judge in accordance with RCW 9.73.040 . Includes, but is not limited to: <ul style="list-style-type: none">• Authorization(s);• Recordings.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-076 Rev. 0	<i>Intercepted Communications/Conversations – Not Recorded</i> Records relating to <u>unfulfilled</u> authorizations obtained from a superior court judge for the interception, transmission, or recording of communications or conversations with a non-consenting party.	Retain until expiration of authorization <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE06-01-04 Rev. 1	<i>Investigational Conversation Recordings</i> Recordings of investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations.	Retain for 1 year after transcribed verbatim and verified <i>or</i> until disposition of pertinent case file, whichever is sooner <i>then</i> Destroy	NON-ARCHIVAL NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-077 Rev. 0	<i>Investigational Conversation Transcriptions</i> Transcriptions of recorded investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE14-01-02 Rev. 1	<i>Organized Crime</i> Records relating to the investigation of organized crime. Includes, but is not limited to: <ul style="list-style-type: none">• Criminal Activity Profiles (CAPs);• Incidental documents;• Name/individual subject records.	Retain for 3 years after conclusion of investigation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE2010-078 Rev. 0	<i>Strip/Body Cavity Searches</i> Records relating to strip or body cavity searches performed in accordance with RCW 10.79.080 and/or RCW 10.79.150 . Includes, but is not limited to: <ul style="list-style-type: none">• Authorizations and warrants;• Statements of results/reports.	Retain for 6 years after date of search <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-40 Rev. 1	<i>Special Weapons and Tactics (SWAT)</i> Records relating to special or tactical operations planned and/or carried out by Special Weapons and Tactical (SWAT) units. Excludes SWAT records that are part of a case file.	Retain for 2 years after completion of mission/operation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE21-01-06 Rev. 1	<i>Vehicle Histories</i> Records relating to information compiled on vehicle types and/or models involved in criminal activities.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



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For assistance and advice in applying this records retention schedule,

please contact Washington State Archives at:

recordsmanagement@sos.wa.gov

or contact your Regional Archivist.



REVISION GUIDE

SUMMARY OF CHANGES

Based on questions and requests from local government agencies:

- 10 new records series were created to provide specific disposition authority for new or existing records:
 - **Fingerprint Requests (Public)** (LE2013-001)
 - **Non-Emergency Reports** (LE2013-002)
 - **Alien Firearm Licenses** (LE2013-003)
 - **Solicitor Licenses** (LE2013-004)
 - **Vessel Inspections** (LE2013-005)
 - **Evidence Audits** (LE2013-006)
 - **Criminal History Records Information – Non-Conviction Data** (LE2013-007)
 - **Suspicious Matter Testing** (LE2013-008)
 - **Suspicious Matter Testing – Logs** (LE2013-009)
 - **Fingerprint Analysis** (LE2013-010)
- 38 records series were revised in order to provide specific disposition authority for new or existing records and/or to provide clear(er) definitions and guidance for end-user ease.
- 11 records series were discontinued by consolidating redundant, confusing, or obsolete series:
 - **Aircraft – Alteration, Status, and Time in Service** (LE26-01-01)
 - **Aircraft – Maintenance and Inspection** (LE2010-027)
 - **911 Conversations – Master Recordings** (LE06-01-11)
 - **Automated Number Indicator (ANI)/Automatic Location Indicator (ALI) Operational Problems** (LE2010-028)
 - **Automatic Call Distribution Records (ACDR)** (LE2010-029)
 - **Computer-Aided Dispatch (CAD) Backup Data** (LE2010-030)
 - **Computer-Aided Dispatch (CAD) Incident Files** (LE06-01-02)
 - **Access Requests** (LE15-01-66)
 - **Court Orders – Served on the Agency** (LE2010-050)
 - **Court Orders – Warrants and Writs** (LE2010-051)
 - **Pass-On and Surveillance Logs** (LE15-01-19)
- Function and activity descriptions were revised to bring them in line with equivalent descriptions in the *Local Government Common Records Retention Schedule (CORE)*.
- If changes were minor (defined below), they were not considered a revision and are not listed in this revision guide.
 - Spelling corrections;
 - Removal of redundant or unnecessary words.



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REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE2010-031 Ver 6.0 p. 11 Ver 6.1 p. 10	<i>Reverse Automatic Locator Requests</i>	Retain for 3 years after date of request then destroy.	No change.	No change.	Removed "911" from series description so that this DAN can be applied to non-911 calls received by law enforcement agencies; 911 public safety answering points should use the <i>Emergency Communications Records Retention Schedule</i> .
LE2010-032 Ver 6.0 p. 12 Ver 6.1 p. 11	<i>A Centralized Computer Enforcement System (ACCESS), Washington Crime Information Center (WACIC), and National Crime Information Center (NCIC) Validations</i>	Retain for 3 years after date of validation or until completion of Washington State Patrol audit, whichever is sooner then destroy.	<i>Criminal History Validations - A Centralized Computer Enforcement System (ACCESS), Washington Crime Information Center (WACIC), and National Crime Information Center (NCIC)</i>	No change.	Series title revised for clarity.
LE15-01-25 Ver 6.0 p. 15 Ver 6.1 p. 14	<i>Inmate Health Records (Age 18 and Over)</i>	Retain for 8 years after provision of health-related services then destroy.	No change.	No change.	Descriptions modified to clarify that diagnostic images (x-rays, MRIs, CAT scans, etc.) should be retained under this DAN. Corrected erroneous DAN citation in exclusion.
LE2010-034 Ver 6.0 p. 15 Ver 6.1 p. 14	<i>Inmate Health Records (Under Age 18)</i>	Retain for 8 years after patient attains age 18 and 8 years after provision of health-related services then destroy.	No change.	No change.	



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE22-01-03 Ver 6.0 p. 16 Ver 6.1 p. 15	Extraditions	Retain for 6 years after extradition fulfilled, cancelled, or expired then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE15-01-47 Ver 6.0 p. 16 Ver 6.1 p. 16	Release Recaps	Retain for the life of the agency.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE2010-086 Ver 6.0 p. 19 Ver 6.1 p. 18	Inmate Custody Files – Notorious/Historically Significant Inmates	Retain for 6 years after termination of incarceration then transfer to Washington State Archives.	No change.	No change.	Note revised to direct users to the Notorious/Historically Significant Case Files and Inmate Custody Records advice sheet which provides advice on how to identify records that should be retained under this DAN. This advice sheet has been published since the previous version of the schedule.
LE2010-039 Ver 6.0 p. 20 Ver 6.1 p. 18	Grievance Logs (Inmate)	Retain for 6 years after date of log entry then destroy.	No change.	No change.	Description revised to clarify that these are documents used to <i>track</i> inmate grievances; added note directing users to LE2010-040 for grievances.
LE2010-040 Ver 6.0 p. 20 Ver 6.1 p. 19	Grievances – Inmate (Age 18 and Over)	Retain for 6 years after resolution of grievance then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE2010-041 Ver 6.0 p. 21 Ver 6.1 p. 20	Grievances – Inmate (Under Age 18)	Retain for 6 years after resolution of grievance <i>and</i> 3 years after juvenile attains age 18 then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE14-01-29 Ver 6.0 p. 21 Ver 6.1 p. 20	Inspection Logs (Cell/Unit)	Retain for 3 years after date of log entry then destroy.	Inmate Surveillance Logs	Retain for 3 years after date of final entry then destroy.	LE14-01-29 and LE15-01-39 have been combined under one DAN for simplification because they are so similar. Effective retention period for these records has not been effected.
LE15-01-39 Ver 6.0 p. 22 Ver 6.1 p. 20	Pass-On and Surveillance Logs	Retain for 3 years after date of log entry then destroy.			
LE2010-042 Ver 6.0 p. 23 Ver 6.1 p. 22	Recordings, Phone Conversation (Case-Specific)	Retain until exhaustion of appeals process then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE2010-043 Ver 6.0 p. 23 Ver 6.1 p. 22	Recordings, Phone Conversation (Not Case-Specific)	Retain for 1 year after date of conversation then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE2010-044 Ver 6.0 p. 24 Ver 6.1 p. 23	Trustee Files	Retain for 1 year after revocation or termination of trustee status then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE15-01-67 Ver 6.0 p. 26 Ver 6.1 p. 23	Work Release Logs	Retain for 6 years after date of log entry then destroy.	Work Crews	Retain for 6 years after conclusion of work activity then destroy.	Series title, description and disposition language were revised and the scope of the series broadened to include any work crews overseen by law enforcement agencies.
LE2010-047 Ver 6.0 p. 27 Ver 6.1 p. 25	Mission Files – Search and Rescue	Retain for 6 years after mission concluded then destroy.	No change.	Retain for 6 years after mission concluded then transfer to Washington State Archives for appraisal and selective retention.	Per the State Archivist, this series has been designated <i>Archival – Appraisal Required</i> .
LE17-01-01 Ver 6.0 p. 29 Ver 6.1 p. 27	Concealed Pistol License Applications – Approved/Voided	Retain for 6 years after expiration/voided then destroy.	Concealed Pistol License Applications – Approved/Voided/Revoked	Retain for 6 years after expired, voided, or revoked then destroy.	Series title and retention language revised to account for revoked CPLs; no change to the effective retention period.
LE17-01-02 Ver 6.0 p. 29 Ver 6.1 p. 27	Concealed Pistol License Applications – Denied	Retain for 2 years after date of denial then destroy.	No change.	No change.	Series description language changed from “citizen” to “applicant” for added clarity.
LE2010-049 Ver 6.0 p. 30 Ver 6.1 p. 28	Firearm Purchase/Transfer Requests – Eligible	Retain until no longer needed for agency business then destroy.	No change.	Retain no later than 20 days after request received then destroy.	Description language corrected to reflect that this DAN should cover requests where the transferee <u>has</u> been determined to be eligible to receive a firearm. Retention period changed to reflect requirements in 18 U.S.C §922(s)(6)(B)(i). Removed extended U.S.C. citation to allow for flexibility if codification changes.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE17-01-03 Ver 6.0 p. 30 Ver 6.1 p. 28	Firearm Purchase/Transfer Requests – Ineligible	Retain for 20 days after agency response then destroy.	No change.	Retain until no longer needed for agency business then destroy.	Retention period changed to reflect requirements in 18 U.S.C. §922(s)(6)(C) and 18 U.S.C. §922(s)(7) which requires a response to the transfer request be provided within 20 days of receipt, and part (7) which says that law enforcement cannot be held responsible for failing to prevent unlawful transfer or sale. Removed extended U.S.C. citation to allow for flexibility in the future if codification changes.
LE07-01-12 Ver 6.0 p. 32 Ver 6.1 p. 30	Court Orders – Filed with the Agency	Retain until expired, vacated, terminated, or superseded then destroy.	Court Orders/Warrants/ Writs – Not Acted Upon	No change.	Warrants and Writs (LE2010-051) has been discontinued and combined under this DAN; added bullet for warrants and writs to account for those records. Description language revised to clarify that one series is for orders, warrants, and writs received by the agency but never acted upon by the agency. The other series is for those on which the agency does not take action. Added language to address instances when the law enforcement agency forwards information to other entities in regards to a warrant they took action upon.
LE05-01-04 Ver 6.0 p. 32 Ver 6.1 p. 30	Court Orders – Fulfilled by the Agency	Retain for 6 years after last entry or action then destroy.	Court Orders/Warrants/ Writs – Acted Upon	No change.	



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE20-01-03 Ver 6.0 p. 34 Ver 6.1 p. 31	<i>Sex/Kidnapping Offender Registration and Contacts</i>	Retain for 6 years after offender leaves the agency's jurisdiction or for 6 years after termination of offender's registration requirement, whichever is sooner then destroy.	<i>Sex/Kidnapping Offender Registration, Monitoring, and Contacts</i>	No change.	Series description changed to clarify that this DAN should include records relating to the monitoring of sex offenders as well as records relating to their registration and contacts made by law enforcement with those offenders. Also removed the word "regular" as this series should address <i>all</i> contacts with offenders.
LE2010-095 Ver 6.0 p. 36 Ver 6.1 p. 33	<i>Citations/Notices of Infraction Issued – Driving Under the Influence</i>	Retain for 10 years after date of issuance then destroy.	No change.	No change.	Series description changed to more accurately reflect language in RCW 46.61.502(6). Note added to address repeated questions regarding the rationale for the retention period.
LE07-01-06 Ver 6.0 p. 36 Ver 6.1 p. 33	<i>Citations/Notices of Infraction Issued – All Others</i>	Retain for 3 years after date of issuance or until completion of State Auditor's report, whichever is sooner then destroy.	No change.	No change.	Corrected erroneous DAN citation in exclusion.
LE03-01-08 Ver 6.0 p. 39 Ver 6.1 p. 37	<i>Property Seizure/Sale</i>	Retain for 6 years after sale of property then destroy.	No change.	No change.	Disposition language and series description revised to account for any type of property disposition, not just sale.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE2010-060 Ver 6.0 p. 42 Ver 6.1 p. 40	Case Files – Notorious/ Historically Significant Cases	Retain until no longer needed for agency business then transfer to Washington State Archives.	No change.	No change.	Series description revised to address bail and bond information. Corrected erroneous DAN citation in exclusion. Revised note to direct users to the Notorious/Historically Significant Case Files and Inmate Custody Records advice sheet.
LE2010-061 Ver 6.0 p. 43 Ver 6.1 p. 41	Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies	Retain for 75 years after case opened and until no longer needed for agency business then transfer to Washington State Archives.	No change.	No change.	Series description revised to address bail and bond information. Corrected erroneous DAN citation in exclusion.
LE2010-062 Ver 6.0 p. 43 Ver 6.1 p. 41	Case Files – Homicides (Solved)	Retain for 20 years after conclusion of investigation and until exhaustion of appeals process then arrange for appraisal by Washington State Archives.	No change.	No change.	Added inclusions to series description for bond and bail information, as well as for latent print documentation.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE2010-063 Ver 6.0 p. 44 Ver 6.1 p. 42	Case Files – Sex Offenders and Sexually Violent Offenses	Retain for 5 years after conclusion of investigation and until exhaustion of appeals process then transfer to Washington Association of Sheriffs and Police Chiefs.	No change.	No change.	
LE07-01-09 Ver 6.0 p. 44 Ver 6.1 p. 43	Case Files – Juvenile Offenders	Retain until juvenile attains 23 years of age or until notification of destruction eligibility is received from the juvenile court, whichever is sooner then destroy.	No change.	No change.	
LE2010-064 Ver 6.0 p. 45 Ver 6.1 p. 44	Case Files – All Other Cases	Retain for 5 years after conclusion of investigation and until exhaustion of appeals process then destroy.	No change.	No change.	
LE2010-065 Ver 6.0 p. 45 Ver 6.1 p. 44	Court Disposition Information	Retain until no longer needed for agency business then destroy.	No change.	No change.	Added inclusion to series description to clarify that disposition information may be received from other law enforcement agencies as provided for in RCW 10.97.045.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE07-01-05 Ver 6.0 p. 46 Ver 6.1 p. 45	<i>Criminal History Record Information – Felonies and Gross Misdemeanors</i>	Retain until transmitted to Washington State Patrol and until no longer needed for agency business then destroy.	No change.	No change.	Revised series description by adding bullet to specifically address mug shots. Corrected incorrect DAN citation in exclusion.
LE2010-067 Ver 6.0 p. 47 Ver 6.1 p. 46	<i>Criminal History Record Information – Misdemeanors (with Fingerprints)</i>	Retain until transmitted to Washington State Patrol and until no longer needed for agency business then destroy.	No change.	No change.	
LE2010-068 Ver 6.0 p. 47 Ver 6.1 p. 46	<i>Criminal History Record Information – Misdemeanors (without Fingerprints)</i>	Retain until offender attains 99 years of age then destroy.	No change.	Retain until offender attains 99 years of age or until offender is deceased, whichever occurs sooner then destroy.	Revised series description by adding bullet to specifically address mug shots. The retention and disposition language has been revised to allow for the destruction of these records in the event that an offender is confirmed to be deceased.
LE2010-070 Ver 6.0 p. 48 Ver 6.1 p. 48	<i>Expungement</i>	Retain for the current approved retention period for the records being expunged then destroy.	No change.	No change.	Revised series description to clarify that this DAN should be used for records relating to expungement, sealing or vacation of records; this DAN should not be limited to expungement only.



REVISED DISPOSITION AUTHORITIES

The records series listed below have been revised; changes and rationale are provided. (Items appear in Version 6.1 order.)

Version 6.0 DAN	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Description	Version 6.1 Retention	Rationale
LE07-01-04 Ver 6.0 p. 52 Ver 6.1 p. 52	Crime Analysis Files	Retain for 1 year after completion of analysis then destroy.	No change.	Retain for 1 year after completion of analysis then transfer to Washington State Archives for appraisal and selective retention.	Per the State Archivist, this records series has been designated <i>Archival – Appraisal Required</i> .



NEW RECORDS SERIES

The following records series are proposed for addition to version 6.1 of the Law Enforcement Records Retention Schedule; they do not appear in the current, approved version of the schedule. They appear below in version 6.1 order.

Function: Activity	Title	New DAN	Minimum Retention and Disposition	Designations	Rationale
Agency Management: Community Relations	<i>Fingerprint Requests (Public)</i>	LE2013-001 p. 5	Retain for 3 years after request fulfilled then destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM	Provides disposition authority for requests received by law enforcement agencies for fingerprinting when it does not relate to case investigations or other agency business.
Communication: Dispatch	<i>Non-Emergency Reports</i>	LE2013-002 p. 9	Retain for 90 days after report received or conclusion of dispatch action, whichever is later then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for reports of non-emergency incidents received by law enforcement agencies via non-emergency phone numbers, web forms, etc.
Enforcement: Authorization and Regulation	<i>Alien Firearm Licenses</i>	LE2013-003 p. 26	Retain for 6 years after expired, voided, or denied, whichever occurs sooner then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for research and approval documentation for alien firearm license applications.
Enforcement: Authorization and Regulation	<i>Solicitor Licenses</i>	LE2013-004 p. 29	Retain for 6 years after expiration of license or final renewal, whichever is later then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for applications received by law enforcement agencies for solicitor/peddler/hawker licenses.
Enforcement: Violations and Traffic Enforcement	<i>Vessel Inspections</i>	LE2013-005 p. 35	Retain for 6 years after date of inspection then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for records relating to law enforcement searches and inspections of vessels (boats, etc.) for compliance with applicable laws and regulations.



NEW RECORDS SERIES

The following records series are proposed for addition to version 6.1 of the Law Enforcement Records Retention Schedule; they do not appear in the current, approved version of the schedule. They appear below in version 6.1 order.

Function: Activity	Title	New DAN	Minimum Retention and Disposition	Designations	Rationale
Enforcement: Property and Auction Management	<i>Evidence Audits</i>	LE2013-006 p. 36	Retain for 4 years after completion of auditor's report then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for records used by law enforcement personnel to audit evidence room documentation and procedures
Investigation: Case Management	<i>Criminal History Record Information – Non- Conviction Data</i>	LE2013-007 p. 47	Retain until deletion request from subject of non-conviction data is granted or until subject is deceased, whichever occurs sooner then destroy.	NON-ARCHIVAL ESSENTIAL OPR	Provides disposition authority in accordance with RCW10.37.060 for the deletion of criminal history record information that consists of non- conviction data only.
Investigation: Case Management	<i>Fingerprint Analysis</i>	LE2013-010 p. 48	Retain for 3 years after request fulfilled or until returned to requesting agency then destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for reports, correspondence, and other records created in response to requests from outside law enforcement agencies to analyze fingerprint records. These analyses are most often performed to identify inmates, suspects, arrestees, etc. Prints with "no value" are returned to requesting agency. Separate DANs cover latent prints from crime scenes and evidence, and public requests for fingerprints for job seeking and other purposes.



NEW RECORDS SERIES

The following records series are proposed for addition to version 6.1 of the Law Enforcement Records Retention Schedule; they do not appear in the current, approved version of the schedule. They appear below in version 6.1 order.

Function: Activity	Title	New DAN	Minimum Retention and Disposition	Designations	Rationale
Investigation: Case Management	<i>Suspicious Matter Testing</i>	LE2013-008 p. 51	Retain until disposition of pertinent case file then destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM	Provides disposition authority for records relating to the testing of suspicious matter by local law enforcement agencies.
Investigation: Case Management	<i>Suspicious Matter Testing - Logs</i>	LE2013-009 p. 51	Retain for 3 years after date of latest entry then destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM	Provides disposition authority for logs of suspicious matter samples to be tested by local law enforcement agencies.



DISCONTINUED DISPOSITION AUTHORITIES

Version 6.0 records series listed on the left have been discontinued. Series that cover the affected records in version 6.1 are listed on the right.

Discontinued DAN Version 6.0	Version 6.0 Function: Activity	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Schedule: Function: Activity	Use DAN:	Version 6.1 Title	Version 6.1 Retention	Rationale
LE26-01-01 p. 7	Asset Management: Maintenance	<i>Aircraft – Alteration, Status, and Time In Service</i>	Retain for 6 years after sale of aircraft then destroy.	CORE Asset Management: Maintenance	GS2012-039	<i>Maintenance – Major and/or Regulated</i>	Retain for 6 years after asset no longer owned by agency then destroy.	These records are now covered by CORE.
LE2010-027 p. 8	Asset Management: Maintenance	<i>Aircraft – Maintenance and Inspection</i>	Retain until repeated or superseded by subsequent maintenance work or 3 years after the work is performed, whichever is sooner then destroy.	CORE Asset Management: Maintenance	GS2012-039	<i>Maintenance – Major and/or Regulated</i>	Retain for 6 years after asset no longer owned by agency then destroy.	These records are now covered by CORE.
LE06-01-11 p. 9	Communication : Dispatch	<i>911 Conversations – Master Recordings</i>	Retain for 90 days after conclusion of dispatch action then destroy.	Emergency Communications	EM50-29-01	<i>911 Conversations – Master Recordings</i>	Retain for 90 days after conclusion of dispatch action then destroy.	This records series has been moved to the new Emergency Communications RRS.
LE2010-028 p. 9	Communication : Dispatch	<i>Automated Number Indicator (ANI)/Automatic Location Indicator (ALI) Operational Problems</i>	Retain for 6 years after resolution of problem then destroy.	Emergency Communications	EM2010-028	<i>Automated Number Indicator (ANI)/Automatic Location Indicator (ALI) Operational Problems</i>	Retain for 6 years after resolution of problem then destroy.	This records series has been moved to the new Emergency Communications RRS.
LE2010-029 p. 10	Communication : Dispatch	<i>Automatic Call Distribution Records (ACDR)</i>	Retain for 6 months after last action then destroy.	Emergency Communications	EM2010-029	<i>Automatic Call Distribution Records (ACDR)</i>	Retain for 6 months after last action then destroy.	This records series has been moved to the new Emergency Communications RRS.



DISCONTINUED DISPOSITION AUTHORITIES

Version 6.0 records series listed on the left have been discontinued. Series that cover the affected records in version 6.1 are listed on the right.

Discontinued DAN Version 6.0	Version 6.0 Function: Activity	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Schedule: Function: Activity	Use DAN:	Version 6.1 Title	Version 6.1 Retention	Rationale
LE2010-030 p. 10	Communication : Dispatch	Computer-Aided Dispatch (CAD) Backup Data	Retain for 3 years after conclusion of dispatch action then destroy.	Emergency Communications	EM50-29-03	Computer Aided Dispatch (CAD) – Backup Data/Tapes	Retain for 3 years after date of backup then destroy.	This records series has been moved to the new Emergency Communications RRS.
LE06-01-02 p. 10	Communication : Dispatch	Computer-Aided Dispatch (CAD) Incident Files	Retain for 1 year after end of calendar year then destroy.	Emergency Communications	EM06-01-02	Computer-Aided Dispatch (CAD) – Incident Files	Retain for 1 year after end of calendar year then destroy.	This records series has been moved to the new Emergency Communications RRS.
LE15-01-66 p. 19	Corrections and Jails: Inmate Security and Control	Access Requests	Retain for 1 year after access terminated/denied then destroy.	CORE Asset Management: Security	GS2010-002	Authorization – Employee Access	Retain for 6 years after termination of user's access or 6 years after system or asset no longer in use, whichever is sooner then destroy.	These records are now covered by CORE.
LE2010-050 p. 33	Enforcement: Court Order Implementation	Court Orders – Served on the Agency	Retain until no longer needed for agency business then destroy.	CORE Agency Management: Legal Affairs	GS2011-172 Rev. 0	Court Orders – Served on the Agency	Retain until no longer needed for agency business <i>then</i> Destroy.	These records are now covered by CORE.
LE2010-051 p. 33	Enforcement: Court Order Implementation	Court Orders – Warrants and Writs	Retain until served, recalled, or cancelled then destroy.	Law Enforcement Enforcement: Court Order Implementation	LE07-01-12 Rev. 2	Court Orders/Warrants /Writs – Not Acted Upon	Retain until expired, vacated, terminated, or superseded <i>then</i> Destroy.	Previously separate Warrants/Writs series has been combined with Court Orders series because of similar retention needs.



DISCONTINUED DISPOSITION AUTHORITIES

Version 6.0 records series listed on the left have been discontinued. Series that cover the affected records in version 6.1 are listed on the right.

Discontinued DAN Version 6.0	Version 6.0 Function: Activity	Version 6.0 Title	Version 6.0 Retention	Version 6.1 Schedule: Function: Activity	Use DAN:	Version 6.1 Title	Version 6.1 Retention	Rationale
					LE05-01-04 Rev. 1	Court Orders/Warrants /Writs – Acted Upon	Retain for 6 years after last entry or action <i>then</i> Destroy.	

For assistance and advice in applying these revisions,

please contact Washington State Archives at:

recordsmanagement@sos.wa.gov

or contact your Regional Archivist.

DEFINITION OF "HANDGUN"

Section 10 of Pub. L. 99-408 provided that: "For purposes of section 921(a)(17)(B) of title 18, United States Code, as added by the first section of this Act, 'handgun' means any firearm including a pistol or revolver designed to be fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled."

§ 922. Unlawful acts

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State,

except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

(7) for any person to manufacture or import armor piercing ammunition, unless—

(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) the manufacture of such ammunition is for the purpose of exportation; or

(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) is for the purpose of exportation; or

(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;¹

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in

his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are _____

Signature _____ Date _____."

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammuni-

¹ So in original. Probably should be followed with "and".

tion to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who² has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being trans-

ported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner

²So in original. The word “who” probably should not appear.

or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors;

Provided, however, That at the close of such 12-month period, and at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a “Security Exemplar” which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not im-

pair the manufacture of prototype firearms or the development of new technology.

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary³ the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provi-

sions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation

³ So in original. Probably should be followed by "of".

under section 925(d)(3) of this chapter as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

(1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or

(2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.

(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923, unless—

(A) after the most recent proposal of such transfer by the transferee—

(i) the transferor has—

(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

(II) verified the identity of the transferee by examining the identification document presented;

(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

(C)(i) the transferee has presented to the transferor a permit that—

(I) allows the transferee to possess or acquire a handgun; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)⁴) of the transferee containing a photograph of the transferee and a description of the identification used;

(B) a statement that the transferee—

(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;

(ii) is not a fugitive from justice;

(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

⁴See References in Text note below.

(v) is not an alien who—

(I) is illegally or unlawfully in the United States; or

(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

(C) the date the statement is made; and

(D) notice that the transferee intends to obtain a handgun from the transferor.

(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

(A) the chief law enforcement officer of the place of business of the transferor; and

(B) the chief law enforcement officer of the place of residence of the transferee.

(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title) of the transferee containing a photograph of the transferee.

(2) If receipt of a firearm would not violate subsection (g) or (n) or State law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

(A)(i) such other person has presented to the licensee a permit that—

(I) allows such other person to possess or acquire a firearm; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized

government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

(B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

[(v), (w) Repealed. Pub. L. 103-322, title XI, § 110105(2), Sept. 13, 1994, 108 Stat. 2000.]

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term “juvenile” means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

(Y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “alien” has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term “nonimmigrant visa” has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government’s mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER.—

(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION.—Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(Z) SECURE GUN STORAGE OR SAFETY DEVICE.—

(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

(3) LIABILITY FOR USE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to

immunity from a qualified civil liability action.

(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

(C) DEFINED TERM.—As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

[APPENDIX A Repealed. Pub. L. 103-322, title XI, § 110105(2), Sept. 13, 1994, 108 Stat. 2000]

(Added Pub. L. 90-351, title IV, § 902, June 19, 1968, 82 Stat. 228; amended Pub. L. 90-618, title I, § 102, Oct. 22, 1968, 82 Stat. 1216; Pub. L. 97-377, title I, § 165(a), Dec. 21, 1982, 96 Stat. 1923; Pub. L. 99-308, § 102, May 19, 1986, 100 Stat. 451; Pub. L. 99-408, § 2, Aug. 28, 1986, 100 Stat. 920; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-649, § 2(a), (f)(2)(A), Nov. 10, 1988, 102 Stat. 3816, 3818; Pub. L. 100-690, title VII, § 7060(c), Nov. 18, 1988, 102 Stat. 4404; Pub. L. 101-647, title XVII, § 1702(b)(1), title XXII, §§ 2201, 2202, 2204(b), title XXXV, § 3524, Nov. 29, 1990, 104 Stat. 4844, 4856, 4857, 4924; Pub. L. 103-159, title I, § 102(a)(1), (b), title III, § 302(a)–(c), Nov. 30, 1993, 107 Stat. 1536, 1539, 1545; Pub. L. 103-322, title XI, §§ 110102(a), 110103(a), 110105(2), 110106, 110201(a), 110401(b), (c), 110511, 110514, title XXXII, §§ 320904, 320927, title XXXIII, § 330011(i), Sept. 13, 1994, 108 Stat. 1996, 1998, 2000, 2010, 2014, 2019, 2125, 2131, 2145; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, §§ 657, 658(b)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369, 3009-372; Pub. L. 104-294, title VI, § 603(b), (c)(1), (d)–(f)(1), (g), Oct. 11, 1996, 110 Stat. 3503, 3504; Pub. L. 105-277, div. A, § 101(b) [title I, § 121], Oct. 21, 1998, 112 Stat. 2681-50, 2681-71; Pub. L. 107-273, div. B, title IV, § 4003(a)(1), Nov. 2, 2002, 116 Stat. 1811; Pub. L. 107-296, title XI, § 1112(f)(4), (6), Nov. 25, 2002, 116 Stat. 2276; Pub. L. 109-92, §§ 5(c)(1), 6(a), Oct. 26, 2005, 119 Stat. 2099, 2101.)

AMENDMENT OF SECTION

Pub. L. 100-649, § 2(f)(2)(A), Nov. 10, 1988, 102 Stat. 3818, as amended by Pub. L. 105-277, div. A, § 101(h) [title VI, § 649], Oct. 21, 1998, 112 Stat. 2681-480, 2681-528; Pub. L. 108-174, § 1(I), Dec. 9, 2003, 117 Stat. 2481, provided that, effective 25 years after the 30th day beginning after Nov. 10, 1988, subsection (p) of this section is repealed.

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a)(3), is December 16, 1968.

Section 5845 of the Internal Revenue Code of 1986, referred to in subsecs. (a)(4) and (b)(4), is classified to section 5845 of Title 26, Internal Revenue Code.

For date this subsection takes effect, referred to in subsec. (o)(2)(B), as May 19, 1986, see Effective Date of 1986 Amendment note, set out below.

The date of the enactment of this subsection and the date of the enactment of the Undetectable Firearms Act of 1988, referred to in subsec. (p)(2)(C)(i), (6), respectively, are both the date of enactment of Pub. L. 100-649, which enacted subsec. (p) of this section and which was approved Nov. 10, 1988.

The date of enactment of this subsection, referred to in subsec. (s)(1), is the date of enactment of Pub. L. 103-159, which was approved Nov. 30, 1993.

Section 5812 of the Internal Revenue Code of 1986, referred to in subsecs. (s)(1)(E) and (t)(3)(B), is classified to section 5812 of Title 26, Internal Revenue Code.

Section 1028 of this title, referred to in subsec. (s)(3)(A), was subsequently amended, and section 1028(d)(1) no longer defines the term “identification document”. However, such term is defined elsewhere in that section.

Section 102 of the Controlled Substances Act, referred to in subsec. (s)(3)(B)(iii), is classified to section 802 of Title 21, Food and Drugs.

Section 103 of the Brady Handgun Violence Prevention Act, referred to in subsec. (t)(1), is section 103 of Pub. L. 103-159, which is set out below.

AMENDMENTS

2005—Subsec. (a)(7), (8). Pub. L. 109-92, § 6(a), added pars. (7) and (8) and struck out former pars. (7) and (8) which related to prohibitions on the manufacture, importation, sale, and delivery of armor piercing ammunition.

Subsec. (z). Pub. L. 109-92, § 5(c)(1), added subsec. (z).

2002—Subsecs. (a) to (c), (p)(2) to (4). Pub. L. 107-296, § 1112(f)(6), substituted “Attorney General” for “Secretary” wherever appearing.

Subsec. (p)(5)(A). Pub. L. 107-296, § 1112(f)(4), substituted “after consultation with the Attorney General” for “after consultation with the Secretary”.

Subsecs. (r), (s). Pub. L. 107-296, § 1112(f)(6), substituted “Attorney General” for “Secretary” wherever appearing.

Subsec. (t)(1)(C). Pub. L. 107-273 substituted “1028(d)” for “1028(d)(1)”.

Subsecs. (t)(3), (5), (v), (w). Pub. L. 107-296, § 1112(f)(6), substituted “Attorney General” for “Secretary” wherever appearing.

1998—Subsec. (d)(5). Pub. L. 105-277, § 101(b) [title I, § 121(1)], added par. (5) and struck out former par. (5) which read as follows: “who, being an alien, is illegally or unlawfully in the United States;”.

Subsec. (g)(5). Pub. L. 105-277, § 101(b) [title I, § 121(2)], added par. (5) and struck out former par. (5) which read as follows: “who, being an alien, is illegally or unlawfully in the United States;”.

Subsec. (s)(3)(B)(v). Pub. L. 105-277, § 101(b) [title I, § 121(3)], added cl. (v) and struck out former cl. (v) which read as follows: “is not an alien who is illegally or unlawfully in the United States;”.

Subsec. (y). Pub. L. 105-277, § 101(b) [title I, § 121(4)], added subsec. (y).

1996—Pub. L. 104-294, § 603(g), amended Appendix A by substituting “Uberti 1866 Sporting Rifle” for “Uberti 1866 Sporting Rifle” in category designated “Centerfire Rifles—Lever & Slide”, “Sako FiberClass Sporter” for “Sako Fiberclass Sporter” in category designated “Centerfire Rifles—Bolt Action”, “Remington 870 SPS Special Purpose Magnum” for “Remington 879 SPS Special Purpose Magnum” in category designated “Shotguns—Slide Actions”, and “E.A.A./Sabatti Falcon-Mon Over/Under” for “E.A.A./Sabatti Falcon-Mon Over/Under” in category designated “Shotguns—Over/Unders”.

Subsec. (d)(9). Pub. L. 104-208, § 101(f) [§ 658(b)(1)], added par. (9).

Subsec. (g)(7). Pub. L. 104-208, § 101(f) [§ 658(b)(2)(A)], struck out “or” at end.

Subsec. (g)(8)(C)(ii). Pub. L. 104-294, § 603(b), which directed the amendment of cl. (ii) by substituting a semicolon for the comma at end, could not be executed because of the prior amendment by Pub. L. 104-208, § 101(f) [§ 658(b)(2)]. See below.

Pub. L. 104-208, § 101(f) [§ 658(b)(2)(B)], substituted “; or” for comma at end.

Subsec. (g)(9). Pub. L. 104-208, § 101(f) [§ 658(b)(2)(C)], added par. (9).

Subsec. (q). Pub. L. 104-208, § 101(f) [title VI, § 657], amended subsec. generally, revising and restating former provisions.

Subsec. (s)(1). Pub. L. 104-294, § 603(c)(1), amended directory language of Pub. L. 103-322, § 320927. See 1994 Amendment note below.

Subsec. (s)(3)(B)(i). Pub. L. 104-208, § 101(f) [title VI, § 658(b)(3)], inserted “, and has not been convicted in any court of a misdemeanor crime of domestic violence” before the semicolon.

Subsec. (t)(2). Pub. L. 104-294, § 603(d), substituted “subsection (g) or (n)” for “section 922(g) or (n)” in introductory provisions.

Subsec. (w)(4). Pub. L. 104-294, § 603(e), substituted “section 923(i) of this title” for “section 923(i) of title 18, United States Code.”

Subsec. (x). Pub. L. 104-294, § 603(f)(1), amended directory language of Pub. L. 103-322, § 110201(a). See 1994 Amendment note below.

1994—Pub. L. 103-322, § 110106, which added Appendix A specifying firearms that were not prohibited by subsec. (v)(1) at end of section, was repealed by Pub. L. 103-322, § 110105(2). See Effective and Termination Dates of 1994 Amendment note below.

Subsec. (a)(9). Pub. L. 103-322, § 110514, added par. (9).

Subsec. (b)(1). Pub. L. 103-322, § 330011(i), amended directory language of Pub. L. 101-647, § 3524. See 1990 Amendment note below.

Subsec. (d)(8). Pub. L. 103-322, § 110401(b), added par. (8).

Subsec. (g)(8). Pub. L. 103-322, § 110401(c), added par. (8).

Subsec. (j). Pub. L. 103-322, § 110511, amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: “It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.”

Subsec. (q). Pub. L. 103-322, § 320904, added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively.

Subsec. (s)(1). Pub. L. 103-322, § 320927, as amended by Pub. L. 104-294, § 603(c)(1), inserted “(other than the return of a handgun to the person from whom it was received)” after “handgun” in introductory provisions.

Subsec. (v). Pub. L. 103-322, § 110102(a), which added subsec. (v) prohibiting the manufacture, transfer, or possession of automatic assault weapons, was repealed by Pub. L. 103-322, § 110105(2). See Effective and Termination Dates of 1994 Amendment note below.

Subsec. (w). Pub. L. 103-322, § 110103(a), which added subsec. (w) prohibiting the transfer or possession of a large capacity ammunition feeding device, was repealed by Pub. L. 103-322, § 110105(2). See Effective and Termination Dates of 1994 Amendment note below.

Subsec. (x). Pub. L. 103-322, § 110201(a), as amended by Pub. L. 104-294, § 603(f)(1), added subsec. (x).

1993—Subsec. (e). Pub. L. 103-159, § 302(a), inserted at end “No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.”

Subsec. (f). Pub. L. 103-159, § 302(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (s). Pub. L. 103-159, § 102(a)(1), added subsec. (s).

Subsec. (t). Pub. L. 103-159, § 102(b), added subsec. (t).

Subsec. (u). Pub. L. 103-159, § 302(c), added subsec. (u).

1990—Subsec. (a)(5). Pub. L. 101-647, § 2201, substituted “does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides;” for “resides in any State other than that in which the transferor resides (or other than that in which its place of business is located if the transferor is a corporation or other business entity);”.

Subsec. (b)(1). Pub. L. 101-647, § 3524, as amended by Pub. L. 103-322, § 330011(i), substituted semicolon for period at end.

Subsec. (j). Pub. L. 101-647, § 2202(a), substituted “which constitutes, or which has been shipped or transported in” for “or which constitutes”.

Subsec. (k). Pub. L. 101-647, § 2202(b), inserted before period at end “or to possess or receive any firearm which has had the importer’s or manufacturer’s serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce”.

Subsec. (q). Pub. L. 101-647, § 1702(b)(1), added subsec. (q).

Subsec. (r). Pub. L. 101-647, § 2204(b), added subsec. (r). 1988—Subsec. (g)(3). Pub. L. 100-690 inserted “who” before “is”.

Subsec. (p). Pub. L. 100-649 added subsec. (p).

1986—Subsec. (a)(1). Pub. L. 99-308, § 102(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce;”

Subsec. (a)(2). Pub. L. 99-308, § 102(2)(A), in provision preceding subpar. (A) struck out “or ammunition” after “any firearm”.

Subsec. (a)(2)(A). Pub. L. 99-308, § 102(2)(B), substituted “licensed dealer, or licensed collector” for “or licensed dealer for the sole purpose of repair or customizing”.

Subsec. (a)(3)(B). Pub. L. 99-308, § 102(3), substituted “firearm” for “rifle or shotgun” and “with subsection (b)(3) of this section” for “with the provisions of subsection (b)(3) of this section”.

Subsec. (a)(4). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Subsec. (a)(7), (8). Pub. L. 99-408 added pars. (7) and (8).

Subsec. (b)(2). Pub. L. 99-308, § 102(4)(A), struck out “or ammunition” after “firearm” in two places.

Subsec. (b)(3)(A). Pub. L. 99-308, § 102(4)(B), inserted a new cl. (A) and struck out former cl. (A) which provided that par. (3) “shall not apply to the sale or delivery of a rifle or shotgun to a resident of a State contiguous to the State in which the licensee’s place of business is located if the purchaser’s State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee’s business premises.”

Subsec. (b)(3)(B), (C). Pub. L. 99-308, § 102(4)(C), (D), inserted “and” before “(B)” and struck out cl. (C), which provided that par. (3) “shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if such person presents to such dealer a sworn statement (i) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other

State, and (ii) identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail”.

Subsec. (b)(4). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Subsec. (b)(5). Pub. L. 99-308, §102(4)(E), substituted “or armor-piercing ammunition” for “or ammunition except .22 caliber rimfire ammunition”.

Subsec. (d). Pub. L. 99-308, §102(5)(A), substituted “person” for “licensed importer, licensed manufacturer, licensed dealer, or licensed collector” in provision preceding par. (1).

Subsec. (d)(3). Pub. L. 99-308, §102(5)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or”.

Subsec. (d)(5) to (7). Pub. L. 99-308, §102(5)(C), (D), added pars. (5) to (7).

Subsec. (g). Pub. L. 99-308, §102(6)(D), in concluding provision substituted “in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce” for “any firearm or ammunition in interstate or foreign commerce”.

Subsec. (g)(1). Pub. L. 99-308, §102(6)(A), struck out “is under indictment for, or who” after “who”.

Subsec. (g)(3). Pub. L. 99-308, §102(6)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or”.

Subsec. (g)(5) to (7). Pub. L. 99-308, §102(6)(C), added pars. (5) to (7).

Subsec. (h). Pub. L. 99-308, §102(7), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: “It shall be unlawful for any person—

“(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(2) who is a fugitive from justice;

“(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

“(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;

to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

Subsec. (n). Pub. L. 99-308, §102(8), added subsec. (n).

Subsec. (o). Pub. L. 99-308, §102(9), added subsec. (o). 1982—Subsec. (b)(5). Pub. L. 97-377 inserted “except .22 caliber rimfire ammunition” after “or ammunition”.

1968—Subsec. (a)(1). Pub. L. 90-618 reenacted par. (1) without change.

Subsec. (a)(2). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees subject to the provisions of this chapter, struck out exemption for the shipment or transportation in interstate or foreign commerce for rifles or shotguns, and inserted exemption authorizing an individual to mail a lawfully owned firearm to the specified licensees for the sole purpose of repair or customizing.

Subsec. (a)(3). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees, struck out exemption for shotguns or rifles purchased or otherwise obtained outside the state of residence of the recipient, struck out provision making it unlawful for any person to purchase or otherwise obtain outside his state of residence any firearm which it would be unlawful for him

to purchase or possess in that state, and provided for exemptions when any person outside of his state of residence acquires a firearm by bequest or interstate succession and transports the firearm or otherwise receives it in his state of residence, if it is lawful for such person to purchase or possess such firearm in his state of residence, when a rifle or shotgun is obtained in conformity with the provisions of subsec. (b)(3) of this section, and when any firearm has been acquired in any state prior to the effective date of this chapter.

Subsec. (a)(4). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees, and provided that the transporting of the specified articles be authorized by the Secretary when consistent with public safety and necessity.

Subsec. (a)(5). Pub. L. 90-618 added licensed collectors to the enumerated list of exempted licensees, prohibited the transfer, etc., of any firearm when the transferor has reasonable cause to believe that the transferee resides in a State other than that in which the transferor resides, and substituted provisions which exempted the transfer, transportation, or delivery of firearms incident to a bequest or intestate succession and the loan or rental of firearms to any person for temporary use for lawful sporting purposes for provisions which exempted the transfer of shotguns or rifles and prohibited the transfer, etc., of any firearm which the transferee could not lawfully purchase or possess in accord with the applicable laws, regulations or ordinances of the state or political subdivision in which the transferee resides.

Subsec. (a)(6). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees, and extended the provisions to include the acquisition or attempted acquisition of ammunition.

Subsec. (b). Pub. L. 90-618, in provision preceding par. (1), added licensed collectors to the enumerated list of licensees.

Subsec. (b)(1). Pub. L. 90-618 substituted provisions making it unlawful to sell or deliver any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than 18, and to sell or deliver any firearm, other than a rifle or shotgun, or ammunition, other than ammunition for a rifle or shotgun, to any individual who the licensee knows or has reasonable cause to believe is less than 21, for provisions making it unlawful to sell or deliver any firearm to any individual who the licensee knows or has reasonable cause to believe is less than 21, if the firearm is other than a shotgun or rifle.

Subsec. (b)(2). Pub. L. 90-618 extended the prohibition to include the sale or delivery of ammunition to any person where the purchase or possession by such person of such ammunition would be unlawful, and struck out “or in the locality in which such person resides” after “or other disposition.”

Subsec. (b)(3). Pub. L. 90-618 inserted the exemptions to the prohibition against the sale or delivery of any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in the state in which the licensee’s place of business is located.

Subsec. (b)(4). Pub. L. 90-618 substituted provisions making it unlawful to sell or deliver any of the specified articles, except as specifically authorized by the Secretary as consistent with public safety and necessity, for provisions making it unlawful to sell or deliver any of the specified articles, unless the transferor has obtained a sworn statement executed by the principal law enforcement officer of the locality in which the transferee resides stating that such person’s receipt or possession would not be unlawful, and that the receipt or possession is intended for lawful purposes, with such sworn statement to be retained by the licensee as part of the records required to be kept under this chapter.

Subsec. (b)(5). Pub. L. 90-618 extended the prohibition to include the sale or delivery of ammunition and, in the material following subsec. (b)(5), added licensed collectors to the enumerated list of licensees, and the provision that subsec. (b)(4) shall not apply to a sale or delivery to any research organization designated by the Secretary.

Subsecs. (c), (d). Pub. L. 90-618 added subsec. (c), redesignated former subsec. (c) as (d), added licensed collectors to the enumerated list of licensees, extended the prohibition against disposal of firearms or ammunition to include the disposal by any person who is an unlawful user of or addicted to marihuana or any depressant, stimulant, or narcotic drug, or any person who has been adjudicated a mental defective or has been committed to any mental institution, and inserted "or ammunition" after "the sale or disposition of a firearm". Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 90-618 added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 90-618 redesignated former subsec. (d) as (f) and extended the prohibition against transportation or delivery to include ammunition. Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 90-618 redesignated former subsec. (e) as (g) and extended the prohibition against the shipment or transportation of firearms or ammunition to include the shipment or transportation by any persons who is an unlawful user of or addicted to marihuana or any depressant, stimulant, or narcotic drug, or any person who has been adjudicated a mental defective or has been committed to a mental institution. Former subsec. (g) redesignated (i).

Subsec. (h). Pub. L. 90-618 redesignated former subsec. (f) as (h) and extended the prohibition against the receipt of any firearms or ammunition to include the receipt by any person who is an unlawful user of or addicted to marihuana or any depressant, stimulant, or narcotic drug, or any person who has been adjudicated a mental defective or has been committed to any mental institution. Former subsec. (h) redesignated (j).

Subsec. (i). Pub. L. 90-618 redesignated former subsec. (g) as (i) and substituted "that the firearm or ammunition was" for "the same to have been". Former subsec. (i) redesignated (k).

Subsec. (j). Pub. L. 90-618 redesignated former subsec. (h) as (j) and substituted "which is moving as, which is a part of," for "moving as or which is a part of" and "that the firearm or ammunition was" for "the same to have been". Former subsec. (j) redesignated (l).

Subsec. (k). Pub. L. 90-618 redesignated former subsec. (i) as (k). Former subsec. (k) redesignated (m).

Subsec. (l). Pub. L. 90-618 redesignated former subsec. (j) as (l).

Subsec. (m). Pub. L. 90-618 redesignated former subsec. (k) as (m) and added licensed collectors to the enumerated list of licensees.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

Post Office Department, referred to in subsec. (c)(2), redesignated United States Postal Service pursuant to Pub. L. 91-375, §6(o), Aug. 12, 1970, 84 Stat. 733, set out as a note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-92, §5(d), Oct. 26, 2005, 119 Stat. 2101, provided that: "This section [amending this section and section 924 of this title and enacting provisions set out as notes under this section and section 921 of this title] and the amendments made by this section shall take effect 180 days after the date of enactment of this Act [Oct. 26, 2005]."

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as

an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 603(c)(2) of Pub. L. 104-294 provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994]."

Section 603(f)(2) of Pub. L. 104-294 provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994]."

Section 603(i)(2) of Pub. L. 104-294 provided that: "The amendment made by paragraph (1) [amending section 210603(b) of Pub. L. 103-322, which amended sections 103(k) and 106(b)(2) of Pub. L. 103-159, set out as notes below] shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994]."

EFFECTIVE AND TERMINATION DATES OF 1994 AMENDMENT

Amendment by sections 110102(a), 110103(a), and 110106 of Pub. L. 103-322 repealed 10 years after Sept. 13, 1994, see section 110105(2) of Pub. L. 103-322, formerly set out as a note under section 921 of this title.

Section 33001(i) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 3524 of Pub. L. 101-647 took effect.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1702(b)(1) of Pub. L. 101-647 applicable to conduct engaged in after the end of the 60-day period beginning on Nov. 29, 1990, see section 1702(b)(4) of Pub. L. 101-647, set out as a note under section 921 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT; SUNSET PROVISION

Pub. L. 100-649, §2(f), Nov. 10, 1988, 102 Stat. 3818, as amended by Pub. L. 101-647, title XXXV, §3526(b), Nov. 29, 1990, 104 Stat. 4924; Pub. L. 105-277, div. A, §101(h) [title VI, §649], Oct. 21, 1998, 112 Stat. 2681-480, 2681-528; Pub. L. 108-174, §1, Dec. 9, 2003, 117 Stat. 2481, provided that:

"(1) **EFFECTIVE DATE.**—This Act and the amendments made by this Act [amending this section and sections 924 and 925 of this title and enacting provisions set out as notes under this section, section 921 of this title, and section 1356 of former Title 49, Transportation] shall take effect on the 30th day beginning after the date of the enactment of this Act [Nov. 10, 1988].

"(2) **Sunset.**—Effective 25 years after the effective date of this Act—

"(A) subsection (p) of section 922 of title 18, United States Code, is hereby repealed;

"(B) subsection (f) of section 924 of such title is hereby repealed and subsections (g) through (o) of such section are hereby redesignated as subsections (f) through (n), respectively;

"(C) subsection (f) of section 925 of such title is hereby repealed;

"(D) section 924(a)(1) of such title is amended by striking 'this subsection, subsection (b), (c), or (f) of this section, or in section 929' and inserting 'this chapter'; and

"(E) section 925(a) of such title is amended—

"(i) in paragraph (1), by striking 'and provisions relating to firearms subject to the prohibitions of section 922(p)'; and

"(ii) in paragraph (2), by striking 'except for provisions relating to firearms subject to the prohibitions of section 922(p)'; and

"(iii) in each of paragraphs (3) and (4), by striking 'except for provisions relating to firearms subject to the prohibitions of section 922(p)';."

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 102(1)–(8) of Pub. L. 99–308 effective 180 days after May 19, 1986, and amendment by section 102(9) of Pub. L. 99–308 effective May 19, 1986, see section 110(a), (c) of Pub. L. 99–308, set out as a note under section 921 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–618 effective Dec. 16, 1968, except subsec. (7) effective Oct. 22, 1968, see section 105 of Pub. L. 90–618, set out as a note under section 921 of this title.

PURPOSES

Pub. L. 109–92, § 5(b), Oct. 26, 2005, 119 Stat. 2099, provided that: “The purposes of this section [amending this section and section 924 of this title and enacting provisions set out as notes under this section and section 921 of this title] are—

“(1) to promote the safe storage and use of handguns by consumers;

“(2) to prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun; and

“(3) to avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.”

[For definition of “person” as used in section 5(b) of Pub. L. 109–92, set out above, see section 7903 of Title 15, Commerce and Trade.]

LIABILITY; EVIDENCE

Pub. L. 109–92, § 5(c)(3), Oct. 26, 2005, 119 Stat. 2101, provided that:

“(A) LIABILITY.—Nothing in this section [amending this section and section 924 of this title and enacting provisions set out as notes under this section and section 921 of this title] shall be construed to—

“(i) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

“(ii) establish any standard of care.

“(B) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action relating to section 922(z) of title 18, United States Code, as added by this subsection.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.”

[For definition of “person” as used in section 5(c)(3) of Pub. L. 109–92, set out above, see section 7903 of Title 15, Commerce and Trade.]

CRIMINAL BACKGROUND CHECKS FOR PERSONS OFFERING FIREARM AS COLLATERAL

Pub. L. 112–55, div. B, title V, § 511, Nov. 18, 2011, 125 Stat. 632, provided that: “Hereafter, none of the funds appropriated pursuant to this Act [div. B of Pub. L. 112–55, see Tables for classification] or any other provision of law may be used for—

“(1) the implementation of any tax or fee in connection with the implementation of subsection [sic] 922(t) of title 18, United States Code; and

“(2) any system to implement subsection [sic] 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n)

of section 922 of title 18, United States Code, or State law.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106–58, title VI, § 634, Sept. 29, 1999, 113 Stat. 473.

Pub. L. 105–277, div. A, § 101(h) [title VI, § 655], Oct. 21, 1998, 112 Stat. 2681–480, 2681–530.

AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY BRADY HANDGUN VIOLENCE PREVENTION ACT AND NATIONAL CHILD PROTECTION ACT OF 1993

Pub. L. 103–322, title XXI, § 210603(a), Sept. 13, 1994, 108 Stat. 2074, which provided that certain amounts authorized in sections 103(k) and 106(b)(2) of Pub. L. 103–159, set out below, and section 5119b(b) of Title 42, The Public Health and Welfare, may be appropriated from the Violent Crime Reduction Trust Fund, was repealed by Pub. L. 109–162, title XI, § 1154(b)(4), Jan. 5, 2006, 119 Stat. 3113.

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Pub. L. 110–180, Jan. 8, 2008, 121 Stat. 2559, provided that:

“SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

“(a) SHORT TITLE [sic].—This Act may be cited as the ‘NICS Improvement Amendments Act of 2007’.

“(b) Table of Contents.—[Omitted.]

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

“(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

“(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

“(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

“(5) The primary cause of delay in NICS background checks is the lack of—

“(A) updates and available State criminal disposition records; and

“(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

“(6) Automated access to this information can be improved by—

“(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

“(B) making such information available to NICS in a usable format.

“(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

“(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete back-

ground check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

“(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter’s disqualifying mental health information was available to NICS.

“SEC. 3. DEFINITIONS.

“As used in this Act, the following definitions shall apply:

“(1) COURT ORDER.—The term ‘court order’ includes a court order (as described in section 922(g)(8) of title 18, United States Code).

“(2) MENTAL HEALTH TERMS.—The terms ‘adjudicated as a mental defective’ and ‘committed to a mental institution’ have the same meanings as in section 922(g)(4) of title 18, United States Code.

“(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term ‘misdemeanor crime of domestic violence’ has the meaning given the term in section 921(a)(33) of title 18, United States Code.

“TITLE I—TRANSMITTAL OF RECORDS

“SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

“(a) IN GENERAL.—[Amended section 103 of Pub. L. 103–159, set out below.]

“(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

“(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

“(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

“(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

“(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

“(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

“(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

“(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

“(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

“(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

“(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

“(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

“(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

“(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

“(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

“(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

“(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

“(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act [Jan. 8, 2008], a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

“(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

“(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney’s fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

“(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in

subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act [Pub. L. 103-159, set out below], the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

“(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

“(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

“(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

“(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

“(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

“SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

“(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act [Jan. 8, 2008], a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 [1998] (42 U.S.C. 14601 [et seq.]) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

“(b) STATE ESTIMATES.—

“(1) INITIAL STATE ESTIMATE.—

“(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act [Jan. 8, 2008], each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

“(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

“(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

“(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

“(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

“(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms ‘unlawful user’ and ‘addicted’ are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

“(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

“(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

“(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

“(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

“(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

“(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

“(1) REQUIREMENTS FOR ELIGIBILITY.—

“(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

“(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

“(i) update, correct, modify, or remove the record from any database that the Federal or

State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

“(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

“(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

“(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

“(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

“(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

“(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

“(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

“SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the

States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

“(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

“(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

“(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ‘NICS’), including court disposition and corrections records;

“(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

“(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

“(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

“(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

“(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

“(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

“(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

“(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$125,000,000 for fiscal year 2009, \$250,000,000 for fiscal year 2010, \$250,000,000 for fiscal year 2011, \$125,000,000 for fiscal year 2012, and \$125,000,000 for fiscal year 2013.

“(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

“(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

“SEC. 104. PENALTIES FOR NONCOMPLIANCE.

“(a) ATTORNEY GENERAL REPORT.—

“(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

“(b) PENALTIES.—

“(1) DISCRETIONARY REDUCTION.—

“(A) During the 2-year period beginning 3 years after the date of enactment of this Act [Jan. 8, 2008], the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

“(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

“(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

“(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

“(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

“(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

“SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

“(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

“(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

“(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding

the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

“(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

“(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

“SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

“(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

“(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

“TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

“SEC. 201. CONTINUING EVALUATIONS.

“(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the ‘Director’) shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

“(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

“(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

“TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

“SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

“(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State

court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

“(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

“(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

“(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

“(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

“(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$62,500,000 for fiscal year 2009, \$125,000,000 for fiscal year 2010, \$125,000,000 for fiscal year 2011, \$62,500,000 for fiscal year 2012, and \$62,500,000 for fiscal year 2013.

“TITLE IV—GAO AUDIT

“SEC. 401. GAO AUDIT.

“(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103-159) [set out below] to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

“(b) REPORT.—Not later than 6 months after the date of enactment of this Act [Jan. 8, 2008], the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).”

Pub. L. 103-159, title I, §103, Nov. 30, 1993, 107 Stat. 1541, as amended by Pub. L. 103-322, title XXI, §210603(b), Sept. 13, 1994, 103 Stat. 2074; Pub. L. 104-294, title VI, §603(h), (i)(1), Oct. 11, 1996, 110 Stat. 3504; Pub. L. 110-180, title I, §101(a), Jan. 8, 2008, 121 Stat. 2561, provided that:

“(a) DETERMINATION OF TIMETABLES.—Not later than 6 months after the date of enactment of this Act [Nov. 30, 1993], the Attorney General shall—

“(1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems and the telephone or electronic device of licensees will communicate with the national system;

“(2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on-line capacity basis to the national system; and

“(3) notify each State of the determinations made pursuant to paragraphs (1) and (2).

“(b) ESTABLISHMENT OF SYSTEM.—Not later than 60 months after the date of the enactment of this Act [Nov. 30, 1993], the Attorney General shall establish a national instant criminal background check system

that any licensee may contact, by telephone or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate section 922 of title 18, United States Code, or State law.

“(c) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

“(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

“(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

“(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

“(d) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

“(e) ADMINISTRATIVE PROVISIONS.—

“(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—

“(A) IN GENERAL.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law, as is necessary to enable the system to operate in accordance with this section.

“(B) REQUEST OF ATTORNEY GENERAL.—On request of the Attorney General, the head of such department or agency shall furnish electronic versions of the information described under subparagraph (A) to the system.

“(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

“(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

“(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

“(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

“(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.

“(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

“(f) WRITTEN REASONS PROVIDED ON REQUEST.—If the national instant criminal background check system determines that an individual is ineligible to receive a firearm and the individual requests the system to provide the reasons for the determination, the system shall provide such reasons to the individual, in writing, within 5 business days after the date of the request.

“(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

“(h) REGULATIONS.—After 90 days’ notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

“(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

“(1) require that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

“(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922(g) or (n) of title 18, United States Code, or State law, from receiving a firearm.

“(j) DEFINITIONS.—As used in this section:

“(1) LICENSEE.—The term ‘licensee’ means a licensed importer (as defined in section 921(a)(9) of title 18, United States Code), a licensed manufacturer (as defined in section 921(a)(10) of that title), or a licensed dealer (as defined in section 921(a)(11) of that title).

“(2) OTHER TERMS.—The terms ‘firearm’, ‘handgun’, ‘licensed importer’, ‘licensed manufacturer’, and ‘licensed dealer’ have the meanings stated in section 921(a) of title 18, United States Code, as amended by subsection (a)(2).

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to enable the Attorney General to carry out this section.”

FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS

Section 106(b) of Pub. L. 103-159, as amended by Pub. L. 103-322, title XXI, §210603(b), Sept. 13, 1994, 103 Stat. 2074; Pub. L. 104-294, title VI, §603(i)(1), Oct. 11, 1996, 110 Stat. 3504, provided that:

“(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act [Nov. 30, 1993] have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

“(A) for the creation of a computerized criminal history record system or improvement of an existing system;

“(B) to improve accessibility to the national instant criminal background system; and

“(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1) a total of \$200,000,000 for fiscal year 1994 and all fiscal years thereafter.”

GUN-FREE ZONE SIGNS

Section 1702(b)(5) of Pub. L. 101-647 provided that: “Federal, State, and local authorities are encouraged to cause signs to be posted around school zones giving warning of prohibition of the possession of firearms in a school zone.”

IDENTIFICATION OF FELONS AND OTHER PERSONS INELIGIBLE TO PURCHASE HANDGUNS

Section 6213 of Pub. L. 100-690 provided that:

“(a) IDENTIFICATION OF FELONS INELIGIBLE TO PURCHASE HANDGUNS.—The Attorney General shall develop a system for immediate and accurate identification of felons who attempt to purchase 1 or more firearms but are ineligible to purchase firearms by reason of section 922(g)(1) of title 18, United States Code. The system shall be accessible to dealers but only for the purpose of determining whether a potential purchaser is a convicted felon. The Attorney General shall establish a plan (including a cost analysis of the proposed system) for implementation of the system. In developing the system, the Attorney General shall consult with the Secretary of the Treasury, other Federal, State, and local law enforcement officials with expertise in the area, and other experts. The Attorney General shall begin implementation of the system 30 days after the report to the Congress as provided in subsection (b).

“(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act [Nov. 18, 1988], the Attorney General shall report to the Congress a description of the system referred to in subsection (a) and a plan (including a cost analysis of the proposed system) for implementation of the system. Such report may include, if appropriate, recommendations for modifications of the system and legislation necessary in order to fully implement such system.

“(c) ADDITIONAL STUDY OF OTHER PERSONS INELIGIBLE TO PURCHASE FIREARMS.—The Attorney General in consultation with the Secretary of the Treasury shall conduct a study to determine if an effective method for immediate and accurate identification of other persons who attempt to purchase 1 or more firearms but are ineligible to purchase firearms by reason of section 922(g) of title 18, United States Code. In conducting the study, the Attorney General shall consult with the Secretary of the Treasury, other Federal, State, and local law enforcement officials with expertise in the area, and other experts. Such study shall be completed within 18 months after the date of the enactment of this Act [Nov. 18, 1988] and shall be submitted to the Congress and made available to the public. Such study may include, if appropriate, recommendations for legislation.

“(d) DEFINITIONS.—As used in this section, the terms ‘firearm’ and ‘dealer’ shall have the meanings given such terms in section 921(a) of title 18, United States Code.”

STUDIES TO IDENTIFY EQUIPMENT CAPABLE OF DISTINGUISHING SECURITY EXEMPLAR FROM OTHER METAL OBJECTS LIKELY TO BE CARRIED ON ONE’S PERSON

Section 2(e) of Pub. L. 100-649 provided that: “The Attorney General, the Secretary of the Treasury, and the Secretary of Transportation shall each conduct studies to identify available state-of-the-art equipment capable of detecting the Security Exemplar (as defined in section 922(p)(2)(C) of title 18, United States Code) and distinguishing the Security Exemplar from innocuous metal objects likely to be carried on one’s person. Such studies shall be completed within 6 months after the

date of the enactment of this Act [Nov. 10, 1988] and shall include a schedule providing for the installation of such equipment at the earliest practicable time at security checkpoints maintained or regulated by the agency conducting the study. Such equipment shall be installed in accordance with each schedule. In addition, such studies may include recommendations, where appropriate, concerning the use of secondary security equipment and procedures to enhance detection capability at security checkpoints."

§ 923. Licensing

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

(1) If the applicant is a manufacturer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) of firearms other than destructive devices, a fee of \$50 per year; or

(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

(3) If the applicant is a dealer—

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility as the Attorney General shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Attorney General shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the li-

cense. Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: *Provided*, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time;

(F) the applicant certifies that—

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and